SR 167 Puyallup to SR 509

SR 167 Puyallup River Bridge Replacement

Record of Decision

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SR 167

Puyallup to SR 509
SR 167 Puyallup River Bridge Replacement
FHWA-WA-EIS-2002-02-FS
Record of Decision
July 2013

Pierce County, Washington

The Federal Highway Administration (FHWA) concurs with the Washington State Department of Transportation in the choice to construct the Selected Alternative. The Selected Alternative consists of constructing a new bridge and roadway alignment for southbound traffic, which accommodates the future SR 167 Extension interchange, and removing the existing steel truss as a last order of work, as identified in the attached Final Supplemental Environmental Impact Statement.

The Selected Alternative meets the project Purpose and Need as well as protects water resources and provides the best option for minimizing the adverse effect to the historic Meridian Street Bridge. All practical means to avoid and minimize environmental harm from the Selected Alternative have been adopted,

Based on considerations in the Draft and Final Section 4(f) Evaluation for the SR 167 Puyallup River Bridge Replacement FHWA also concludes that there are no feasible and prudent alternatives to the use of Section 4(f) resources and that the Selected Alternative includes all possible planning to minimize harm to the identified Section 4(f) resources resulting from such use.

This decision is based on an evaluation of information presented in the Draft Supplemental Environmental Impact Statement; the project's purpose and need; and input from the SR 167 project team, agencies and tribes, and the public. Additional basis for this decision is contained in the remainder of this Record of Decision and the attached Final Supplemental Environmental Impact Statement.

07/16/2013
Date of Approval

Daniel M. Mathis
Daniel M. Mathis, PE
Division Administrator
Federal Highway Administration

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1.0 Decision Background and Project History

The Federal Highway Administration (FHWA) and the Washington State Department of Transportation (WSDOT) are planning the completion of the SR 167 freeway between SR 161 (Meridian Street North) in north Puyallup and the SR 509 freeway in the City of Tacoma, otherwise known as the SR 167, Puyallup to SR 509 project or the 167 Extension project. The 167 Extension project includes an interchange between SR 167 and SR 161, just north of the Puyallup River. FHWA is the federal lead agency under the National Environmental Policy Act (NEPA) and WSDOT is the state lead agency under the State Environmental Policy Act (SEPA). The US Army Corps of Engineers (COE) and the City of Fife are cooperating agencies for this project.

The environmental analysis for this project was completed in two tiers (stages). The Tier I Environmental Impact Statement (EIS) analyzed the location and environmental aspects of different corridor options and selected the environmentally preferred corridor. The Tier II EIS selected the preferred alignment within the corridor and the interchange configuration. The Preferred (Original) Alternative entailed removing the SR 167 Puyallup River bridge, also known as the Meridian Street Bridge, and constructing a new five-lane northbound bridge in its place. The existing concrete bridge on the west side of the Meridian Street Bridge would be seismically retrofitted and remain in place. The Tier II Final Environmental Impact Statement (EIS) for the SR 167, Puyallup to SR 509 project was completed in November, 2006 and the Record of Decision (ROD) was issued in October, 2007. There was no construction funding available to construct the project at that time. WSDOT received funding for engineering and to purchase right of way around this time. WSDOT has acquired 103 properties that comprise 70% of the corridor right of way, and received additional funds in 2012 to continue with acquisition.

The SR 167 Puyallup River Bridge Replacement project, which is an element of the larger SR 167 Extension project, has recently been funded. The current structural condition of the Meridian Street Bridge has made replacement of the bridge a priority. During a routine maintenance inspection of the Meridian Street Bridge in January of 2011, extensive floor beam deterioration was detected. Based on this condition, the structure is now rated *structurally deficient*. It was necessary for WSDOT to implement a load restriction on the bridge, requiring vehicles larger than 10,000 pounds gross vehicle weight to use the right lane only. The Meridian Street Bridge is prioritized on the WSDOT Preservation Program list for Bridge Replacement during the 2013-2015 biennium. The legislature has mandated the design-build process for delivery of this phase, hereafter referred to as the Puyallup River Bridge Replacement (PRBR) project. To prepare this phase for design-build, WSDOT reviewed the design and environmental documentation, and noted the conditions that have changed since the 2006 FEIS was completed. During recent inspections, the Meridian Street Bridge was determined to be eligible for listing on the National Register of Historic Places (NRHP). While it had been determined not to be eligible in 2006, the bridge is now eligible for the NRHP. The replacement of this bridge will be an *adverse effect* on a historic resource, which is now added to the list of effects. The 2006 FEIS for the 167 Extension project is supplemented with this information. Also, the design for the Puyallup River crossing as part of the 167 Extension project has been modified (Selected Alternative) in response to this finding, and all environmental aspects of the changed design were evaluated.

A Draft Supplemental EIS comparing and contrasting the original Preferred Alternative and the Selected Alternative was completed in January 2013.

1.1 Purpose & Need for Project

The purpose and need of the SR 167, Puyallup to SR 509 project is to improve regional mobility on the transportation system to serve multimodal local and port freight movement and passenger movement between the Puyallup termini of SR 167, SR 410, and SR 512 and the Interstate 5 (I-5) corridor and to the Port of Tacoma. The SR 167, Puyallup River Bridge Replacement project is an integral part of the larger SR 167, Puyallup to SR 509 project and does not change the purpose and need.

1.2 Combined Final Supplemental EIS and ROD

On July 6, 2012, President Obama signed the Moving Ahead for Progress in the 21st Century Act (MAP-21) into law effective October 1, 2012. MAP-21 includes several provisions designed to accelerate decision-making in project delivery, such as encouraging concurrent issuance of a Final EIS and ROD. Under this provision, the typical 30-day review period between the Notice of Availability for the Final EIS and the issuance of the ROD is not applicable. The new law also reduces the statute of limitations to file a legal challenge from 180 days to 150 days after the ROD is signed. WSDOT consulted with FHWA about the new MAP-21 provisions and determined that a combined Final Supplemental EIS and ROD was appropriate. The SR 167, Puyallup to SR 509 – Puyallup River Bridge Replacement Final Supplemental EIS is attached (WSDOT 2013). FHWA plans to file a Notice of Limitation on Claims for Judicial Review for this Supplemental EIS in the Federal Register. The date that the notice appears in the Federal Register will begin the 150-day statute of limitations.

2.0 Alternatives Considered

The Supplemental EIS considered two alternatives for the replacement of the Meridian Street Bridge and the design of the Puyallup River crossing on existing State Route 167:

1. The preferred alternative from the 2006 FEIS entailing removing the Meridian Street Bridge and constructing a five-lane northbound bridge in its place
2. The revised alternative entailing the construction of a new two-lane bridge on the west side of both existing bridges, removal of the Meridian Street Bridge and construction of a five-lane northbound bridge in a future phase of the project.

2.1 Description of the 2006 FEIS Design (Original Preferred Alternative)

The original preferred alternative for the SR 167 Puyallup River crossing as presented in the 2006 FEIS entailed removing the Meridian Street Bridge and constructing a new five-lane northbound bridge in its place. At the time, there was only a preliminary design for the new structure. The configuration of five-northbound lanes was determined necessary to safely allow traffic to weave into the correct lane as it approaches the proposed SR 167/SR 161 interchange. The proposal also included a small taper widening, and seismic retrofit on the existing southbound concrete bridge built in 1970. The construction strategy would require the use of a detour structure on the east side of the Meridian Street Bridge. Traffic would be shifted off of the Meridian Street Bridge onto the temporary structure, and the Meridian Street Bridge would be removed. Then the new five-lane northbound bridge would be constructed, and the temporary structure would be removed. The final stages would be the seismic retrofit of the 1970 bridge, and the taper widening on its north end to match into the proposed SR 161/167 Interchange.

This design was supported by two key decisions. The first was that the 1970 bridge could be seismically retrofitted economically. The second was that the access from Levee Road to northbound SR 167 would be terminated in a cul-de-sac, and a new connection road would be built between Levee Road and Valley Avenue to provide access to the business to the northwest of the bridge. In addition, during a review of historic-era properties for the 2006 FEIS, the Meridian Street Bridge was not eligible for the NRHP.

2.2 Description of the 2013 Revised Design (Selected Alternative)

The PRBR alternative would construct a new bridge and roadway alignment for southbound traffic, and remove the steel truss as a last order of work. This plan would successfully accommodate the future SR 167 Extension interchange by providing a two-lane structure for southbound traffic, which matches the planned configuration of the new interchange. Northbound traffic would be shifted from the steel truss onto the existing adjacent concrete bridge. Once traffic is moved off of the steel truss, the truss would be removed. (Exhibit 10 in the Final SEIS depicts the SR 167 Puyallup River crossing after completion of the PRBR project.) In the future, the SR 167 Extension project will remove the existing concrete bridge and construct a new five lane structure for northbound traffic in the footprint of the existing steel truss and concrete bridges. (This is depicted in Exhibit 11 of the Final SEIS.)

The following factors led the design team to revise the Puyallup River crossing as part of the 167 Extension project, and develop a construction strategy for the replacement of the Meridian Street Bridge, or the Puyallup River Bridge Replacement (PRBR) project:

- Replacement of the Meridian Street Bridge was made a priority due to its deteriorated condition, and funding was approved for the 2011-2013 biennium. The PRBR project funding is limited to providing a two-lane structure built to current design standards. Therefore, the Puyallup River crossing design needed to allow for the interim PRBR construction project to function as part of the future 167 Extension project.

- Recent inspection of the Meridian Street Bridge found advanced deterioration which made replacing it a high priority. It also led to the reassessment of the bridge's historic value, and it was ultimately determined to be eligible for listing on the NRHP. This meant that removing the bridge would be an adverse effect to a historic resource. Under Section 106 of the National Historic Preservation Act, and Section 4(f) of the Department of Transportation Act of 1966, such an affect must be avoided, minimized, or mitigated. This changed condition required the design team to examine alternatives to the Puyallup River crossing design in the 2006 FEIS, which had identified the need for demolition of the Meridian Street Bridge.

- Since the 2006 FEIS was completed, seismic standards for highway bridges have been revised. When evaluated in light of these changes, it was determined that seismic retrofit of the 1970 bridge would be economically unfeasible. This change required an ultimate Puyallup River crossing configuration that allowed for construction of a new southbound bridge.

This alternative would meet the purpose and need of the larger SR 167 Extension project undertaking.

3.0 Section 4(f) Evaluation

Section 4(f) of the Department of Transportation Act of 1966, codified in Federal law at 49 U.S.C. §303, declares that it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. Section 4(f) specifies that the Secretary of Transportation may approve a transportation program or project … "requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if –

(1) There is no feasible and prudent alternative to using that land; and

(2) The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use."

WSDOT evaluated the Section 4(f) resources for the State Route 167 Extension project in Chapter 5 of the 2006 FEIS. Five historic properties and one archaeological site eligible for listing in the NRHP and six recreational areas were identified as eligible or potentially eligible Section 4(f) resources that would be *used* by the project. The Section 4(f) evaluation report was prepared and was available as Appendix "H" of the 2006 FEIS.

During a recent review of the status of the SR 167 Puyallup River steel truss bridge, WSDOT, on behalf of FHWA, determined the bridge is now eligible for listing in the NRHP, that the Selected Alternative will have an *adverse effect* to the bridge under Section 106 and that there is *no feasible and prudent alternative* to the use of the bridge. DAHP concurred with the determination of Adverse Effect on October 8, 2012. All prudent measures have been considered to minimize harm and to provide necessary mitigation of Section 4(f) property as detailed below: (FHWA and WSDOT will negotiate with DAHP before finalizing,)

1. WSDOT will arrange to remove from its current location, store and maintain the NRHP eligible steel truss structure to preserve it for an alternate use.

2. The documentation of the Puyallup River steel bridge will be completed in accordance with the Historic American Engineering Record standards.

3. Agreement between SHPO and FHWA has been reached through the Section 106 process of the National Historic Preservation Act and an MOA was completed on May 6,2013 which details measures to minimize harm.

4. In the event it is not economically feasible to re-use the steel truss bridge for the Foothills Trail, WSDOT is prepared to store the bridge and advertise its availability for preservation at an alternate site. The advertisement of the availability of the bridge would occur as soon as it became apparent that the current plan was not feasible. The steel truss would remain in-place until the end of the current project in late 2015, being advertised the entire duration. If no alternative interested parties came forward during that time, WSDOT would remove the steel truss from its current location and store it until 2019 at which time funding for further storage and maintenance of the bridge would be evaluated.

FHWA and WSDOT have prepared an addendum to the original Section 4(f) evaluation. This addendum documents the Meridian Street Bridge as an additional Section 4(f) resource and is available in Appendix B of this Final Supplemental EIS.

4.0 Endangered Species Act

The Endangered Species Act (ESA) of 1973 (16 USC 1531 et seq.), as amended, is intended to protect threatened and endangered species and the ecosystems on which they depend. When the federal government takes an action subject to the ESA, it must comply with Section 7 of the ESA [found at 16 USC 1536(a)(2)]. Section 7 (a)(2) states:

Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of this section. In fulfilling the requirements of this paragraph each agency shall use the best scientific and commercial data available.

FHWA submitted a Biological Assessment (BA) in July 2012, reinitiating formal consultation with the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) on potential effects of the design changes in the Selected Alternative on listed species and updating US Fish and Wildlife Service (USFWS) on the project changes that differ from the description in the original BA. FHWA and WSDOT submitted a BA for the 167 Extension project in September 2005. The Services requested additional project information after the original BA submittal, which was transmitted to the Services in December 2005. The BA concluded that project impacts would adversely affect the Coastal-Puget Sound bull trout distinct population segment (DPS) and Puget Sound Evolutionary Significant Unit (ESU) Chinook salmon. Critical habitat for Puget Sound Chinook and for bull trout was designated in September 2005, after the BA was submitted. Subsequent analyses determined that the project would adversely affect critical habitat for Chinook salmon and bull trout. The USFWS and NMFS Biological Opinions (BOs) were issued in May 2007 and August 2007 respectively (USFWS Ref. No. 1-3-05-F-0688, NMFS Tracking No. 2005/05617). The Services concluded that project actions would not jeopardize the continued existence of these listed species and would not cause adverse modification or destruction of the designated critical habitats in the action area.

The BA submitted in July 2012 concluded that project impacts would still adversely affect Puget Sound ESU Chinook salmon and the Coastal-Puget Sound bull trout DPS, though the extent and duration of in-water effects will be reduced. Project impacts will still adversely affect critical habitat for Chinook salmon and bull trout.

Recently Listed Species

There are two species that have been listed since the BOs were issued in 2007. The Puget Sound steelhead DPS and the Southern Pacific eulachon DPS were listed as threatened. Critical habitat has not been proposed or designated for Puget Sound steelhead and critical habitat was designated for eulachon in 2011. The BA submitted in July 2012 concluded that project impacts will adversely affect Puget Sound steelhead but would not adversely affect Pacific eulachon. There will be no effect on eulachon critical habitat, which is not found in the project action area. The NMFS BO was issued in February 2013 (NMFS Tracking No. 2012/03666). NMFS agreed with the conclusions of the BA and concluded that project actions would not jeopardize the continued existence of Puget Sound steelhead in the project action area.

5.0 Measures to Minimize Harm (Commitments)

The ROD signed in 2007 for the SR 167 Extension project addressed measures to minimize harm regarding air quality, noise, environmental justice and farmland. These measures are discussed in Section 4.0 in the 2007 ROD and have not been altered by the revised design of the SR 167 Puyallup River Bridge Replacement.

Revised and/or additional measures to minimize harm to archaeological and historic resources; threatened and endangered species; and water resources for the SR 167 Puyallup River Bridge Replacement project are discussed below.

5.1 Archaeological and Historic Resources

The APE defined for the 167 Extension project did not encompass the entire area that will be affected by the revised river crossing design of the PRBR project. WSDOT defined the APE for the 167 Extension project to include an area of direct effects within a 200 foot offset on either side of the proposed highway centerline, as well as any additional right of way required for interchanges, stormwater facilities and mitigation sites. The vertical extent of this area of potential direct effects was considered to be three feet. The APE also included an additional 200 foot offset, extending 400 feet from either side of the centerline, to account for potential indirect visual or audible effects. The SR 167 Extension project 2006 FEIS details the original APE and studies performed.

WSDOT has revised the horizontal and vertical APE, for the supplemental survey, to include the revised bridge alignment to the west of the 1970 bridge. The APE encompasses all areas where ground disturbing activities associated with the proposed new bridge would occur, four feet deep in general, extending to 100 feet deep at the bridge abutment areas. The APE also includes the area within which the historic bridge and adjacent historic structures may be directly or indirectly affected by the project. A cultural resources survey was performed within the additional APE, and a report that supplements the previous cultural resources survey for the 167 Extension project, was completed in August 2012 and is included as Appendix A of the Final SEIS.

WSDOT has undertaken a complete redesign of the Puyallup River crossing aspect of the SR 167 Extension project, in order to minimize the adverse effect to the Meridian Street Bridge. The original design required that the Meridian Street Bridge be removed as a first order of work, so that a new bridge could be constructed in its place. The revised design would construct a new bridge to the west side of the 1970 bridge, which allows the Meridian Street Bridge to remain in operation during construction of the new bridge. This also allows more time for the parties to the May 2013 MOA to carry out the stipulations under section 2 B of the MOA, detailing measures to minimize harm to the historic bridge, including options to relocate the structure. WSDOT developed partnerships with the affected local jurisdictions and plans to reuse the Meridian Street Bridge steel truss structure in another location.

Memorandum of Agreement

The SR 167 corridor extension project underwent National Environmental Policy Act (NEPA) and Section 106 review between 1991 and 2006. The resulting NEPA review documented Section 106 consultation culminating in execution of an MOA. While the corridor extension project had always proposed replacement of the Meridian Street Bridge, it was not deemed eligible for the NRHP at the time of the 2006 FEIS and Section 106 consultation. Funding for an interim phase of the corridor extension project was dedicated by the 2011 legislature to address structural deficiencies found to exist with the Meridian Street Bridge. Through a December 20, 2011 letter, WSDOT initiated ongoing consultation on a slightly refined APE for this funded phase of the SR 167 Extension project. WSDOT also determined the Meridian Street Bridge to be eligible for the NRHP at that time. Archaeological fieldwork for this phase of work was performed between March and May and the cultural resources discipline report was finalized on August 2, 2012. On August 28, 2012, the cultural resources discipline report was provided to DAHP for review and SHPO concurrence with the determination of Adverse Effect for the project, due to the anticipated effects to the Meridian Street Bridge. SHPO concurred with the determination of Adverse Effect on October 8, 2012.

WSDOT and FHWA will continue Section 106 consultation to resolve these adverse effects. Per the existing project MOA, which was amended to resolve adverse effects to the Meridian Street Bridge, and per standard operating procedures, WSDOT will, on behalf of FHWA, review the SR 167 corridor APE as future phases begin final design in order to take into account their effects on historic properties.

5.2 Threatened and Endangered Species

WSDOT prepares a biological assessment for each federally funded project, when there are listed species in the area, to evaluate the potential impacts to any threatened or endangered species and the critical habitats for those species. In consultation with the federal regulating agencies, NMFS and USFWS, the biologist develops conservation measures that will be incorporated into the project design or construction plan.

The construction of the PRBR project and future construction associated with the revised Puyallup River crossing would implement WSDOT standard construction practices to avoid impacts to water quality and thereby impacts to aquatic life and habitat. Preliminary plans call for placement of a biofiltration swale within the northwest bridge quadrant; a feature of the revised design for this phase of work. Final plans developed for the PRBR project will meet or exceed the design standards specified in the biological opinions, including the use of enhanced BMPs for this area. To limit in-water noise levels, piling is required to be installed to the degree possible using a vibratory hammer and impact driving/proofing will require noise reduction measures. In-water work will be timed to avoid adult salmon, bull trout and steelhead migration. Full containment will be required during demolition work to prevent debris from falling into the river. Additionally, the project will follow the provisions of all applicable permits and approvals.

5.3 Water Resources

To construct the bridge replacement as proposed in the 2006 FEIS, two temporary work trestles and one temporary detour bridge would be necessary. It was originally expected that one of the temporary work trestles would need to extend the full width of the river. Each temporary structure would involve installation and removal of multiple piles.

However, in the proposed PRBR design revision the work would shift the Puyallup River crossing to the west approximately 100 feet, downstream. The proposed project greatly reduces the need for a temporary work trestle by using the existing 1970 concrete bridge (west of the Meridian Street Bridge) to stage materials and equipment. The proposed project will require the construction of an in-water work trestle approximately 30’ by 100’, as opposed to a 30’ wide trestle the full 300’ width of the river, as proposed in the 2006 FEIS. This in-water work trestle will extend from the ordinary high water mark on the river bank, into the Puyallup River and will be used to construct the in-water bridge pier.

The proposed PRBR project would construct a new two-lane bridge to the west of the 1970 bridge. The preliminary design for the proposed new two-lane southbound bridge has one permanent in-water pier. This design will allow for material and equipment to be staged from the 1970 bridge, reducing the need for a work trestle to access the in-water piers to a 30’ by 100’ work platform. No temporary detour structure will be required since the new structure would be built off line, while both north and south-bound traffic is temporarily diverted to the Meridian Street Bridge during construction. This minimizes impacts to the river and shoreline.

Best management practices, permit conditions, and other measures to avoid or minimize impacts to the water during construction will be the same as they would be with the previous bridge replacement design.

6.0 Monitoring and Enforcement

The FHWA Division Administrator and the WSDOT Director of Environmental Services are ultimately responsible for monitoring and enforcing mitigation measures. WSDOT’s Olympic Region Engineering and Environmental programs, as well as the design-builder, are responsible for compliance assurance of all related commitments and regulatory permit conditions made or obtained for the SR 167 Puyallup River Bridge Replacement project. The approvals and permits are listed below in Table 1.

Table 1 – Permits and Approvals for SR 167 Puyallup River Bridge Replacement

Agency	Statute	Permit/Approval
Federal		
US Fish and Wildlife Service/National Oceanic and Atmospheric Administration Fisheries	Endangered Species Act Section 7 consultation and concurrence (impact to listed species) Migratory Bird Treaty Act	Consultation and Biological Opinion (re-initiation of consultation based on revised design; a Biological Opinion was completed in February 2013)
US Army Corps of Engineers	Clean Water Act	Section 404 Nationwide Permit
State		
Washington State Department of Ecology	Clean Water Act Section 401	Water Quality Certification
Washington State Department of Ecology	Shoreline Management Act (Coastal Zone Management Program)	Coastal Zone Management Certificate
Washington State Department of Ecology	Shoreline Management Act	Consider administrative appeals
Washington State Department of Ecology	Clean Water Act Section 402	NPDES Construction Stormwater Permit (General)
Washington Department of Fish and Wildlife	Construction projects in State Waters (RCW 77.55)	Hydraulic Project Approval
Local		
City of Puyallup	Shoreline Management Act and City Municipal Code (Chapter 21.06)	Substantial Development Permit and Critical Areas Ordinance review

7.0 Conclusion

Having carefully considered the environmental record noted below, the mitigation measures as required herein, the written and oral comments offered by other agencies and the public on this record and the written responses to the comments, FHWA has determined that the Selected Alternative is also the environmentally preferable option. The Selected Alternative is the Revised Design for the SR 167 Puyallup River Bridge Replacement which represents the best option for construction of a replacement for the Meridian Street Bridge that is compatible with the larger SR 167 Extension project. FHWA finds that all practicable measures to minimize environmental harm were incorporated into the design of the SR 167 Puyallup River Bridge Replacement. FHWA will ensure that the commitments outlined herein will be implemented as part of final design, construction contract, and post-construction monitoring.

The environmental record for this decision includes the following documents:

- SR 167 Puyallup to SR 509, Tier I Final EIS (WSDOT 1995)
- SR 167 Puyallup to SR 509, Tier II Final EIS / Section 4(f) Evaluation FHWA-WA-EIS-2002-02-F (WSDOT 2006)
- SR 167 Puyallup to SR 509 FHWA-WA-EIS-2002-02-F Record of Decision (FHWA 2007)
- SR 167 Puyallup to SR 509, Puyallup River Bridge Replacement Draft Supplemental EIS

FHWA-WA-EIS-2002-02-DS (WSDOT 2012)

- SR 167 Puyallup to SR 509, Puyallup River Bridge Replacement Final Supplemental EIS FHWA-WA-EIS-2002-02-FS (WSDOT 2013)

These documents, incorporated here by reference, constitute the statements required by NEPA and Title 23 of the United States Code on:

- The environmental impacts of the project,
- The adverse environmental effects that cannot be avoided should the project be implemented,
- Alternatives to the proposed project,
- Irreversible and irretrievable impacts on the environment that may be involved with the project should it be implemented.

These Commitments are in addition to those listed in the contract, plans, specials and any applicable WSDOT manuals.

Index #	Unique ID	Topic / Source	Requirement	Responsibility	Heading
401-01	1	Hazardous Materials; Water Quality	Puyallup River is designated as waters of the State. Certification of this proposal does not authorize the Design-Builder to exceed applicable state water quality standards (173-201A WAC) or sediment quality standards (173-204 WAC) beyond what is authorized by the Department of Ecology. Furthermore, nothing in the approved Department of Ecology 401 permit shall absolve the Design-Builder from liability for contamination and any subsequent cleanup of surface waters or sediments occurring as a result of project construction or operations.	Environmental (Design-Builder)	Compliance with Water Quality Standards
401-02	2	BMP Installation; Clearing and Grading; TESCP Requirements; Timing Requirements	From October 1 through April 30, the Design-Builder shall ensure no soils remain exposed and unworked for more than two (2) days. From May 1 to September 30, the Design-Builder shall ensure no soils remain exposed and unworked for more than seven (7) days.	Construction (Design-Builder)	Timing
401-03	3	Notification Requirements	The Design-Builder shall provide notification to WSDOT so WSDOT can provide notification to Ecology at least 30 Calendar days prior to the pre-construction meeting.	WSDOT/Design-Builder	Notification Conditions
401-04	4	Notification Requirements	The Design-Builder shall provide notification to WSDOT so WSDOT can provide notification to Ecology at least 30 Calendar days prior to starting construction activities.	WSDOT/Design-Builder	Notification Conditions
401-05	5	Notification Requirements	The Design-Builder shall provide notification to WSDOT so WSDOT can provide notification to Ecology at least 30 Calendar days after the completion of the project.	WSDOT/Design-Builder	Notification Conditions
401-06	6	Notification Requirements; Reporting Requirements; Water Quality	The Design-Builder shall provide notification to WSDOT so WSDOT can provide immediate notification to Ecology any time a violation of the state water quality standards occurs or if a revision from the permitted Work is needed.	WSDOT/Design-Builder	Notification Conditions
401-07	7	Permit Coverage; Training and Awareness; Water Quality	WSDOT and the Design-Builder shall ensure that all appropriate Project Engineers, Lead Contractors, Sub-Contractors and Site Managers at the project site have read and understand relevant conditions of the Ecology 401 Water Quality Certification and all permits, approvals, and documents referenced in the Ecology 401 Water Quality Certification.	WSDOT/Design-Builder	Notification Conditions
401-08	8	Submittal Requirements; Training and Awareness; Water Quality	The Design-Builder shall ensure that all project engineers, contractors, and other workers at the project site with authority to direct work, have read and understand the conditions in the project Water Quality Certification (WQC). The Design-Builder shall provide Ecology a signed statement for each signatory that s/he has read and understands the conditions of the project WQC and WQC referenced permits, documents, and approvals. The Design-Builder shall submit these statements to Ecology before construction begins at each project component.	WSDOT/Design-Builder	Notification Conditions
401-09	9	Submittal Requirements; Timing Requirements	The signed statements required per Commitment ID #8 shall be provided to WSDOT within three (3) Calendar days following receipt of final project permits. WSDOT will provide them to Ecology and shall include in this statement the Ecology 401 Water Quality Certification number and project contact.	WSDOT/Design-Builder	Notification Conditions
401-10	10	Reporting Requirements; Schedule; Submittal Requirements	The Design-Builder shall submit to WSDOT a detailed construction schedule for work in-water, overwater, near shore and on steep slopes, staging areas, and temporary parking and access areas so WSDOT can submit the schedule to Ecology prior to the start of Work.	WSDOT/Design-Builder	Notification Conditions
401-19	11	Disposal of Surplus Material	The Design-Builder shall ensure that all vehicles transporting upland soils be suitably equipped to prevent spillage of soils while in route to the permitted disposal site.	Construction (Design-Builder)	Disposal of Soil
401-20	12	Environmental Regulations	Work in, over or near the waterbody conducted by the Design-Builder shall be done so as to minimize turbidity, erosion, and other water quality impacts.	Construction (Design-Builder)	Conditions for In-water and Over-water Construction Activities
401-21	13	Environmental Regulations	Machinery and equipment used during construction shall be serviced, fueled, steam cleaned and maintained by the Design-Builder in an upland location, identified within the Design-Builder's SPCCP, in order to prevent contamination to any surface water. Some equipment will not be feasible to move on a regular basis to refuel. In this case, the Design-Builder shall utilize the necessary BMPs to prevent spills to water during refueling.	Construction (Design-Builder)	Conditions for In-water and Over-water Construction Activities
401-23	14	Environmental Regulations	The Design-Builder shall remove all debris or deleterious material resulting from construction activities to prevent the materials from entering waters of the State and shall dispose of it properly in a permitted upland disposal facility. Concrete rubble, metal debris, and other debris in the construction work corridor that has washed into river areas shall be removed from the project area.	Construction (Design-Builder)	Conditions for In-water and Over-water Construction Activities
401-24	15	Environmental Regulations	The Design-Builder shall survey and delineate all Environmentally Sensitive Areas not permitted for impact with high-visibility construction fencing in order to protect them from disturbance. To avoid impacts to forage fish spawning areas and any other sensitive aquatic macro algae bed, no portion of any barge, anchor or float system shall ground in areas that have been delineated as such unless prior approval from the regulatory agencies has been received.	Construction (Design-Builder)	Conditions for In-water and Over-water Construction Activities
401-25	16	Environmental Regulations, Materials	The Design-Builder shall ensure that all concrete be poured in the dry, or within confined waters not being dewatered to surface waters, and shall be allowed to cure before contact with uncontrolled surface waters (i.e. the Design-Builder shall not allow waters of the State to come in contact with the concrete structure while the concrete is curing). Wet, uncured concrete in direct contact with the water is toxic to aquatic life.	Construction (Design-Builder)	Conditions for In-water and Over-water Construction Activities
401-26	17	Environmental Regulations, Materials	Concrete pumps, tremies or other approved methods of concrete placement shall be used by the Design-Builder. The Design-Builder shall ensure proper containment, de-watering and equip the concrete placement gear with an emergency cut-off valve so that no uncured concrete comes into contact with waters of the State.	Construction (Design-Builder)	Conditions for In-water and Over-water Construction Activities

These Commitments are in addition to those listed in the contract, plans, specials and any applicable WSDOT manuals.

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401-27	18	Environmental Regulations	The Design-Builder shall reshape river bank area depressions created during project activities to protect bank levels upon project completion.	Construction (Design-Builder)	Conditions for In-water and Over-water Construction Activities
401-28	19	Environmental Regulations	The Design-Builder shall conduct project activities to minimize siltation of the river bed.	Construction (Design-Builder)	Conditions for In-water and Over-water Construction Activities
401-29	20	Environmental Regulations	Bridge Construction: The Design-Builder shall protect all inlets and catchments during construction to ensure no conveyance of toxic materials to waters of the State.	Construction (Design-Builder)	Bridge Construction
401-30	21	Environmental Regulations, Materials	Prior to removing forms within OHWM, the Design-Builder shall ensure the concrete is completely cured.	Construction (Design-Builder)	Bridge Construction
401-31	22	ESA	Creosote treated piling, lumber, or other treated material shall not be used by the Design-Builder on this Project.	Construction (Design-Builder)	Pile Removal and Installation Work (including temporary sheet piles)
401-32	23	ESA	When removing piles, direct vibratory pulling shall be the method utilized by the Design-Builder whenever possible to minimize localized turbidity.	Construction (Design-Builder)	Pile Removal and Installation Work (including temporary sheet piles)
401-33	24	ESA	The Design-Builder shall implement best management practices for all in-water work (i.e., pile removal, pile driving, armoring, and outfall construction) to ensure that turbidity thresholds per WAC 173-201A and as presented in the Water Quality Monitoring and Protection Plan are met at the applicable points of compliance. If turbidity exceedances occur the Design-Builder shall notify WSDOT immediately and implement corrective actions to prevent additional exceedances.	Construction (Design-Builder)	Pile Removal and Installation Work (including temporary sheet piles)
401-34	25	Environmental Regulations	The Design-Builder shall ensure that wash water from the vehicles delivering concrete be contained and not discharged unless it is discharged to a pH/turbidity treatment system capable of discharging in compliance with State Water Quality Standards.	Construction (Design-Builder)	Conditions for the Transport of Concrete
401-35	26	Environmental Regulations	The Design-Builder shall submit to WSDOT a Temporary Erosion and Sediment Control (TESC) Plan and an SPCC plan for review at least 35 Calendar Days prior to beginning construction. WSDOT will submit to Ecology at least 30 days prior.	Construction (Design-Builder)	Conditions for Construction Stormwater
401-36	27	Environmental Regulations	Water Quality: Discharges from construction shall be monitored per the Design-Builder's Water Quality Monitoring Plan approved by Ecology (as required per the NPDES Construction Stormwater General Permit).	Construction (Design-Builder)	Monitoring Conditions
401-37	28	Environmental Regulations	The Design-Builder shall ensure that in-water work will be performed in accordance with the Project 401 Ecology Water Quality Certification, implementing the in-water work BMPs as required per the 401 Water Quality Monitoring and Protection Plan. In the event of any water quality monitoring exceedances (e.g., turbidity), the Design-Builder shall follow the notification procedures identified in the 401 Water Quality Monitoring and Protection Plan. The WSDOT Engineer shall be notified of the problem and proposed corrections so WSDOT can notify Ecology. All monitoring of uplands discharges will be conducted by the Design-Builder to ensure compliance with the permit conditions set by Ecology in the NPDES Construction General Permit and associated NPDES monitoring plans.	Construction (Design-Builder)	Monitoring Conditions
401-38	29	Environmental Regulations	Prior to starting construction, the Design-Builder's Monitoring Plan shall identify all the construction activities at the site that may have a discharge (e.g., dewatering water, construction storm water, etc.) whether to surface water or ground water.	Construction (Design-Builder)	Monitoring Conditions
401-39	30	Environmental Regulations	The Design-Builder shall ensure that all construction storm water discharges will be monitored to meet the requirements of the NPDES Construction General Permit. In accordance with NPDES requirements, monitoring plans will be developed to ensure compliance. All in-water work and discharges will also meet the requirements of the Ecology 401 Water Quality Certification and 401 Water Quality Monitoring and Protection Plan.	Construction (Design-Builder)	Monitoring Conditions
401-40	31	Environmental Regulations	Prior to starting construction, the Design-Builder's Monitoring Plan shall identify the location of proposed discharge points and require monitoring at each discharge point.	Construction (Design-Builder)	Monitoring Conditions
401-44	32	Environmental Regulations	The Design-Builder shall retain the Monitoring Plan onsite during construction activities or within reasonable access to the site and make it immediately available upon request by Ecology.	Construction (Design-Builder)	Monitoring Conditions
401-45	33	Environmental Regulations	The Design-Builder shall update their Monitoring Plan as necessary to adequately represent changes at the Puyallup River Site.	Construction (Design-Builder)	Monitoring Conditions

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401-46	34	Environmental Regulations	Any work that is out of compliance with the provisions of the Ecology 401 Water Quality Certification, or conditions causing distressed or dying fish, or any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited. The Design-Builder shall identify contingency measures and notification protocols if distressed or dying fish are observed in the 401 in-water work Water Quality Monitoring and Protection Plan. If conditions as described above occur, the Design-Builder and WSDOT shall immediately take the following actions: a) Cease operations at the location of the violation or spill, b) Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage, c) Notify Ecology of the failure to comply. All oil spills shall be reported immediately to Ecology's 24-hour Spill Response Team, and within 24 hours of spills or other events to Ecology's Federal Project Manager, and d) Submit a detailed written report to Ecology within five (5) days that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.	WSDOT/Design-Builder	Emergency/Contingency Measures
401-47	35	Environmental Regulations	The Design-Builder shall have the necessary cleanup materials available and respond to all spills in a timely fashion, preventing their discharge to waters of the State. The Design-Builder shall ensure that all appropriate Project Engineers, construction staff and subcontractors receive appropriate training to assure that spills are reported to the WSDOT Engineer and responded to appropriately.	Construction (Design-Builder)	Spill Response
401-48	36	Environmental Regulations	The 401 permit does not authorize direct, indirect, permanent, or temporary impacts to waters of the State or related aquatic resources, except as specifically provided for in conditions of this permit.	Construction (Design-Builder)	General Conditions
401-49	37	Environmental Regulations	The 401 permit does not exempt and is conditioned upon compliance with other statutes and codes administered by federal, state, and local agencies.	Construction (Design-Builder)	General Conditions
401-50	38	Environmental Regulations	Ecology retains continuing jurisdiction to make modifications hereto through supplemental Order if it appears necessary to further protect the public interest.	Construction (Design-Builder)	General Conditions
401-51	39	Environmental Regulations	The Design-Builder shall construct and operate the project in a manner consistent with the project description contained in the approved Joint Aquatic Resources Permit Application (JARPA) and any other related permits for the Project.	Construction (Design-Builder)	General Conditions
401-52	40	Environmental Regulations (Haz-Mat)	If at any time during project construction, the Design-Builder finds buried containers such as drums, or notices any unusual conditions that might indicate the disposal of chemicals or hazardous material, the contractor shall cease operations immediately and notify WSDOT, so WSDOT can contact Ecology's Southwest Regional Hazardous Waste Office at 360-407-6702.	Construction (Design-Builder)	General Conditions
401-53	41	Environmental Regulations	WSDOT and the Design-Builder shall each have at least one representative onsite, or on-call and readily accessible to the site, at all times while construction activities are occurring that may affect the quality of ground and surface waters of the State, including all periods of construction activities.	Construction (Design-Builder)	General Conditions
401-54	42	Environmental Regulations	The WSDOT and Design-Builder representatives shall have adequate authority to ensure proper implementation of the Erosion and Sediment Control Plan, as well as immediate corrective actions necessary because of changing field conditions. If the WSDOT or Design-Builder's representative issues a directive necessary to prevent pollution to waters of the State, all personnel onsite, including the Design-Builder and the Design-Builder's employees, shall immediately comply with this directive and contact WSDOT for any non-compliance so WSDOT can contact Ecology.	Construction (Design-Builder)	General Conditions
401-55	43	Environmental Regulations	WSDOT and the Design-Builder shall provide access to the Puyallup River Site upon request by Ecology personnel for site inspections, monitoring, necessary data collection, or to ensure that conditions of this Order are being met.	WSDOT/Design-Builder	General Conditions
401-56	44	Environmental Regulations	Copies of this Order and all related permits, approvals, and documents shall be kept on the project site and readily available by the Design-Builder for inspection and reference by the project managers, construction managers and foremen, other employees and contractors of the Design-Builder, and state agency personnel.	WSDOT/Design-Builder	General Conditions
401-57	45		Any person who fails to comply with any provision of the 401 permit shall be liable for a penalty of up to ten thousand dollars ($10,000) per violation for each day of continuing noncompliance.	WSDOT/Design-Builder	General Conditions
401-58	46	General Conditions; Submittals and Notifications	The Design-Builder shall ensure that all project submittals, as required per the 401 Water Quality Certification (WQC), are provided to Ecology consistent with the WQC general conditions. All notifications to Ecology shall be performed in accordance with the WQC requirements and include notification a) at least 7 days prior to the onset of initiating work on the project site, and b) at least 7 days within project completion.	Construction (Design-Builder)	General Conditions
401-59	47	General Conditions; Changes and Updated Information	The Design-Builder in coordination with WSDOT shall obtain Ecology review and approval before undertaking any changes to the proposed project that might significantly and adversely affect water quality, other than those project changes required by the project Water Quality Certification (WQC). Within 30 days of any updated information, Ecology will determine if the revised project requires a new public notice and Certification or if a modification to the project WQC is required.	Construction (Design-Builder)	General Conditions

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401-60	48	In-water Work Window	The Design-Builder shall ensure that all in-water work is completed within the work window identified in the most current Hydraulic Project Approval (HPA) that WDFW issues for the project. Any project changes that require a new or revised HPA shall be submitted to Ecology for review.	Construction (Design-Builder)	In-water Work Window
401-61	49	Water Quality Exceedances	If turbidity exceedances of the criteria as defined in the project WQC and project Water Quality Monitoring and Protection Plan (WQMPP), at the point of compliance are detected, the Design-Builder shall immediately take action to stop, contain, and take other steps to prevent further violations and otherwise stop the violation and correct the problem. After the event the Design-Builder shall assess the adequacy of the BMPs and update, or improve those used, to reduce and prevent recurrence of the turbidity exceedances. The Design-Builder shall notify WSDOT immediately, such that WSDOT can notify Ecology's Project Manager of any turbidity exceedances detected through water quality monitoring (including visual) within 24 hours of occurrence. The Design-Builder shall assist WSDOT in providing Ecology with the following information at a minimum; a) a description of the nature and cause of the exceedance, b) the period of non-compliance, including precise dates, and when the Design-Builder returned, or expects to return to compliance, c) the steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the non-compliance, and d) in addition to the 24 hour notification, the Design-Builder shall assist WSDOT in submitting a written report to Ecology that describes the nature of the exceedance, sampling results and location, photographs, and any other pertinent information within 5 days after the exceedance. The report shall also identify what additional BMPs were, or will be implemented to prevent further exceedances.	Construction (Design-Builder)	WQ Monitoring
401-62	50	Upland Construction Conditions	The Design-Builder shall ensure that all clearing limits, stockpile sites, staging areas, and trees to be preserved shall be clearly marked prior to construction activities and maintained until all work is completed for each project. Construction storm water, sediment, and erosion control BMPs (e.g., filter fences, coir mats, etc.) to prevent exceedances of state water quality standards shall be in place before starting construction at the site. The Design-Builder shall comply with the NPDES Construction Stormwater General Permit issued for the project.	Construction (Design-Builder)	General Conditions
401-63	51	In-water Construction	In-water construction is defined as all work below Ordinary High Water (OHW). During construction the Design-Builder shall have a boat available at all times for debris retrieval.	Construction (Design-Builder)	In-water Work Window
City-HRA-1	52	City of Puyallup Haul Road/Detour Agreement	WSDOT has obtained a Detour Agreement with the City of Puyallup. The Design-Builder shall abide by the terms of this agreement. The Design-Builder shall be responsible for obtaining a Haul Road Agreement from the City of Puyallup, if one is deemed necessary. The Design-Builder shall keep all City streets clear of any dirt or debris that originates from the project site.	Construction (Design-Builder)	Maintenance of City Roads
City-SSD-1	53	Project Permit Compliance	The Design-Builder shall ensure that all activity occurring in-water or near water shall comply with requirements as determined by the Department of Fish and Wildlife. The Design-Builder shall obtain all required permits from the City of Puyallup (i.e. construction permits, etc.), the NPDES permit from Ecology and shall ensure that all project activities shall be performed in compliance with OSHA Standards. The Design-Builder shall ensure that construction is in compliance with the Record of Decision issued July 2013.	Construction (Design-Builder)	Environmental Permits
City-SSD-2	54	Spills and Fuel Release Cleanup	The Design-Builder shall ensure that all appropriate methods are in place to take care of all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials, spills are contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills shall take precedence over other work.	Construction (Design-Builder)	WQ, Spills
City-SSD-3	55	Erosion and Sediment Control	The Design-Builder shall ensure that erosion control through the use of Best Management Practices as required to prevent side casting of fill material on to adjacent properties or into the water. All erosion and sediment control measures shall be in place prior to, during, and after site improvements are completed or when control measures are no longer needed.	Construction (Design-Builder)	Erosion Control
City-SSD-4	56	Re-vegatation	The Design-Builder shall re-vegetate all disturbed ground.	Construction (Design-Builder)	
City-SSD-5	57	In-water Equipment Maintenance and Spills	The Design-Builder shall ensure that equipment that enters waterways shall be maintained such that no visible sheen from petroleum products appears within waterways. If a sheen appears around the equipment in the water, the equipment shall be contained within an oil boom and shall be removed from the water, cleaned and/or maintained appropriately, If equipment leaks occur during work, the Design-Builder shall ensure that the equipment is immediately removed from within the waterway to a location where pollutants cannot enter any waterway. The equipment shall not be allowed within the waterway until all leaks have been corrected and the equipment cleaned. Any upland area where leaking equipment is stored will also cleaned/remediated immediately.	Construction (Design-Builder)	WQ, Spills
CORPS 404-01	58	Notification Requirements; Permit Coverage; Schedule; Timing Requirements	The time limit for completing the work authorized will be specified in the approved permit. The Design-Builder shall notify WSDOT of any need for an extension of time to complete the authorized activity so WSDOT can submit a request to the U. S. Army Corps of Engineers (USACE) at least 1 month prior to the end date specified in the approved permit.	Environmental (Design-Builder)	General Conditions

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CORPS 404-02	59	Historic, Cultural, Archaeological Resources; Monitoring Requirements; Notification Requirements	If any previously unknown historic or archeological remains are discovered by WSDOT or the Design-Builder while accomplishing the activity authorized by the permits for the project, the Design-Builder must immediately notify WSDOT and follow the procedures spelled out in the Unanticipated Discovery Plan for this Project. WSDOT will provide notification to the USACE.	Environmental (Design-Builder)	General Conditions
CORPS 404-03	60	Permit Coverage; Water Quality	The Design-Builder shall comply with the conditions specified within the 401 Water Quality Certification issued for the Project as special conditions to this permit. A copy of the certification will be attached if it contains such conditions.	Environmental (Design-Builder)	General Conditions
CORPS 404-04	61	Monitoring Requirements; Permit Coverage	The Design-Builder shall allow representatives from the USACE to inspect the authorized activity at anytime deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of the Section 404 permit.	Construction (Design-Builder)	General Conditions
CORPS 404-05	62	Recordkeeping; Submittal Requirements; Training and Awareness	The Design-Builder shall provide a copy of the Section 404 Permit transmittal letter, the permit form, and drawings to all contractors and subcontractors performing any of the authorized Work.	Construction (Design-Builder)	Special Conditions
CORPS 404-06	63	Fish, Aquatic Habitat, and T&E Fish Species; Permit Coverage; Wildlife, Habitat, and Upland T&E Species	The Biological Opinions (BO) prepared by the National Marine Fisheries Service (NMFS or NOAA) and the U.S. Fish and Wildlife Service (USFWS) for this Project contain mandatory terms and conditions the Design-Builder shall implement which include reasonable and prudent measures that are associated with the specified incidental take in the BOs. WSDOT's authorization under the USACE permit is conditional upon the Design-Builder's compliance with all of the mandatory terms and conditions associated with incidental take of these BOs. These terms and conditions will be incorporated by reference into the permit. The Design-Builder's failure to comply with the commitments made in the document constitutes non-compliance with the ESA and USACE permit.	Environmental (Design-Builder)	Special Conditions
CORPS 404-07	64	Excavation; Historic, Cultural, Archaeological Resources; Monitoring Requirements; Submittal Requirements	The Federal Highways Administration (FHWA) has been designated the lead Federal agency responsible for implementing and enforcing the requirements of Section 106 of the National Historic Preservation Act (NHPA.) In order to meet the requirements of Section 106 of the NHPA, WSDOT must, prior to commencing construction, submit to the U.S. Army USACE of Engineers (Corps), Seattle District, Regulatory Branch, a copy of the monitoring plan submitted to the State Historic Preservation Officer. Authorization under the USACE permit is conditional upon the Design-Builder and WSDOT's compliance with the monitoring plan. FHWA and WSDOT are the agencies responsible for ensuring compliance with the monitoring plan.	WSDOT/Design-Builder	Special Conditions
CORPS 404-08	65	Excavation; Historic, Cultural, Archaeological Resources; Notification Requirements	If human remains or archaeological resources are encountered during construction, the Design-Builder shall cease all ground disturbing activities in the immediate area and WSDOT shall immediately (within one business day of discovery) notify the U.S. Army USACE of Engineers (Corps). The Design-Builder shall perform any work required by the USACE in accordance with Section 106 of the National Historic Preservation Act and USACE regulations. If the Design-Builder or WSDOT discovers any previously unknown historic or archeological remains while accomplishing the activity authorized by the permits for the project, the Design-Builder shall immediately notify WSDOT and follow the procedures spelled out in the Unanticipated Discovery Plan for this Project.	WSDOT/Design-Builder	Special Conditions
CORPS 404-09	66	In-water Work Window; Notification Requirements; Services	The Design-Builder shall comply with the conditions specified within the USFWS and NMFS Biological Opinions issued for the Project. The Design-Builder shall conduct the authorized activities in the work window (July 15 - August 31) as agreed to and documented in writing through consultation by USFWS and NMFS in any year the permit is valid. If changes to the originally authorized work window are proposed, the Design-Builder and WSDOT must re-coordinate these changes with the Services and receive written concurrence on the changes. Copies of the concurrence(s) must be sent to the USACE, Regulatory Branch, within 10 days of the date of the revised concurrence. USFWS and NMFS Biological Opinions are provided in Appendix E of the RFP.	Environmental (Design-Builder)	Special Conditions
CORPS 404-10	67	General Condition	The Design-Builder shall provide a copy of the USACE 404/10 permit transmittal letter, permit form, and permit drawings to all contractors involved in the authorized work, and a copy of the permit materials shall be maintained in good condition in the project permits file. No activity or its operation may impair reserved tribal rights, but not limited to, reserved water rights and treaty fishing and hunting rights.	Environmental (Design-Builder)	General Conditions
ESA-001	68	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The Design-Builder shall construct permanent stormwater BMPs with flow control	Construction (Design-Builder)	Special Conditions
ESA-002	69	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The Design-Builder shall implement the Temporary Erosion and Sediment Control (TESC) and Spill Prevention, Control, and Countermeasure (SPCC) plans.	Construction (Design-Builder)	Special Conditions

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ESA-003	70	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The Design-Builder (DB) shall ensure that the water quality mixing zones will not exceed 300 feet in Puyallup River.	Construction (Design-Builder)	Special Conditions
ESA-004	71	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The DB shall install temporary BMPs that allow turbid water to settle for a minimum of two hours before discharging. The flow rate of turbid water into the stream will not exceed one tenth of the natural flow rate of the stream at the time of discharge when dewatering a work area.	Construction (Design-Builder)	Special Conditions
ESA-006	72	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The Design-Builder will coordinate temporary erosion control work with the construction of permanent drainage and erosion control work. The WSDOT may require additional temporary control measures if it appears pollution or erosion may result from weather, the nature of the materials, or progress on the work. When natural elements rut or erode the slope, the Design-Builder will restore and repair the damage with the eroded material where possible, and clean up any remaining material in ditches and culverts.	Construction (Design-Builder)	Special Conditions
ESA-007	73	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	If the WSDOT Engineer anticipates water pollution or erosion from project construction, the Design-Builder will schedule the work so that grading and erosion control immediately follows clearing and grubbing. The WSDOT Engineer may also require erosion control work to be done with or immediately after grading. The Design-Builder shall ensure that Clearing, grubbing, excavation, borrow, or fill within the right of way will never expose more erodible earth than as listed below, without written approval by the Engineer: 17 acres maximum between May 1 – September 30, five acres maximum between October 1 – April 30	Construction (Design-Builder)	Special Conditions
ESA-008	74	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The WSDOT Engineer may allow the Design-Builder to increase or decrease the limits (in ID #73) if the grubbing is to be done separately at a later date or if the area limitation for grubbing is too restrictive to accommodate the clearing operations and there is little potential for erosion due to the clearing operation.	Construction (Design-Builder)	Special Conditions
ESA-009	75	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	Erodible earth is defined as any surface where soils, grindings, or other materials capable of being displaced and transported by rain, wind, or surface water runoff. The Design-Builder shall ensure that erodible soil not being worked, whether at final grade or not, will be covered within the following time period, using an approved soil covering practice, unless authorized by the WSDOT Engineer: October 1 through April 30: two days maximum, May 1 to September 30: seven days maximum	Construction (Design-Builder)	Special Conditions
ESA-010	76	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The Design-Builder shall not apply tacifier coat when rain is forecast.	Construction (Design-Builder)	Special Conditions
ESA-011	77	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The Design-Builder shall ensure that materials are clean, covered when appropriate, and placed in a manner to prevent erosion and siltation that might result from high water or heavy rains.	Construction (Design-Builder)	Special Conditions
ESA-012	78	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The Design-Builder shall store materials during demolition where upland runoff cannot cause the materials or leachate to enter into surface waters.	Construction (Design-Builder)	Special Conditions
ESA-013	79	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The Design-Builder shall not locate staging and/or material stock pile areas within 300 feet of any streams, rivers, or wetlands; unless site specific review completed by the project biologist indicates that no impacts to the sensitive resource areas will occur due to topography or other factors.	Construction (Design-Builder)	Special Conditions
ESA-015	80	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The Design-Builder shall ensure that saw-cut water will not enter surface water.	Construction (Design-Builder)	Special Conditions
ESA-016	81	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The Design-Builder shall contain waste water and dispose of it in an upland location where it will not enter surface waters.	Construction (Design-Builder)	Special Conditions
ESA-017	82	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The Design-Builder shall dispose of waste material, debris, or spoils at an approved and permitted upland commercial site, approved waste site, or incorporated into embankments as appropriate.	Construction (Design-Builder)	Special Conditions

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ESA-018	83	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The Design-Builder shall completely seal all concrete forms to prevent the possibility of fresh concrete from entering surface waters.	Construction (Design-Builder)	Special Conditions
ESA-019	84	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The Design-Builder shall contain and discharge to uplands water that comes into contact with concrete within the first seven days of cure with no possible entry to surface waters. Where uplands are not available for treatment, other methods of water treatment will be utilized as approved by the WSDOT engineer.	Construction (Design-Builder)	Special Conditions
ESA-020	85	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The Design-Builder shall collect and properly dispose of debris accumulation on bridges and within bridge drains off site.	Construction (Design-Builder)	Special Conditions
ESA-021	86	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The Design-Builder shall use a containment boom to contain and collect any floating debris and sheen during bridge removals.	Construction (Design-Builder)	Special Conditions
ESA-022	87	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The Design-Builder shall ensure that material placed within the water will be free of sediment and other contaminants.	Construction (Design-Builder)	Special Conditions
ESA-022	88	Air Quality; Energy and Natural Resources; Equipment Provisions; Training and Awareness	The Design-Builder shall turn off equipment when not in use.	Design-Builder	Special Conditions
ESA-024	89	Air Quality; Energy and Natural Resources; Equipment Provisions	The Design-Builder shall ensure only well-maintained and properly functioning equipment and vehicles be used.	Design-Builder	Special Conditions
ESA-025	90	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The Design-Builder shall store and mix all liquid products on an impervious surface in a secure covered and contained location to eliminate the potential for spills. Paint and solvent spills will be treated as oil spills and will be prevented from reaching storm drains or other discharges. Cleaning solvents or chemicals used for tool or equipment cleaning will not be discharged to the ground or surface waters.	Construction (Design-Builder)	Special Conditions
ESA-026	91	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The Design-Builder shall ensure that fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc, will be inspected regularly for drips or leaks and will be maintained and stored properly to prevent spills into state waters. Drip pans or other protective devices will be required for all transfer operations.	Construction (Design-Builder)	Special Conditions
ESA-027	92	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The Design-Builder shall ensure that spilled waste, chemicals or petroleum products will be transported off site for disposal at a facility approved by the WDOE or the local County Health Department. The materials will not be discharged to any sanitary sewer without approval of the local sewer authority.	Construction (Design-Builder)	Special Conditions
ESA-028	93	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	Spills into State waters, spills onto land with a potential for entry into surface or groundwater, or other substantial water quality impacts will be reported immediately to the WDOE Southwest Regional Office 24 hour telephone line at (360) 407-6300. Containment and cleanup efforts will begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup will include proper disposal of any spilled material and used cleanup materials. Concentrated waste or spilled chemicals will be transported off the site for disposal at a facility approved by the WDOE or local County Health Department.	Construction (Design-Builder)	Special Conditions
ESA-029	94	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The Design-Builder shall take extreme care to insure that no petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the receiving waters. A separate area will be set aside, that does not have any possibility of draining to surface waters, for wash out of concrete delivery trucks, pumping equipment, and tools.	Construction (Design-Builder)	Special Conditions
ESA-030	95	NMFS 2007 BO, MM: TESC, Spills, WQ USFWS 2007 BO, MM: TESC, Spills, WQ	The Design-Builder shall cease project operations under high flow conditions that may result in inundation of the project area, except for efforts to avoid or minimize resource damage.	Construction (Design-Builder)	Special Conditions
ESA-031	96	NMFS 2007 BO, MM: Pile Driving USFWS 2007 BO, MM: Pile Driving	The Design-Builder shall install sheet piles and cofferdams using a vibratory hammer.	Construction (Design-Builder)	Special Conditions
ESA-032	97	NMFS 2007 BO, MM: Pile Driving USFWS 2007 BO, MM: Pile Driving	The Design-Builder shall place sheet piles and cofferdams using machines kept outside the wetted width of the Puyallup River.	Construction (Design-Builder)	Special Conditions

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ESA-033	98	NMFS 2007 BO, MM: Pile Driving USFWS 2007 BO, MM: Pile Driving	The Design-Builder shall install piles with a vibratory hammer and limit impact hammer to proofing.	Construction (Design-Builder)	Special Conditions
ESA-034	99	NMFS 2007 BO, MM: Pile Driving USFWS 2007 BO, MM: Pile Driving	The Design-Builder shall limit noise levels to 206 Decibels (dB) peak and 187 dB accumulated sound exposure level (SEL) for all listed species, except those less than 2 grams, in which case the noise level limit is 183 dB SEL, at a reference pressure of one micro-Pascal (dB re: 1µPa) measured at mid-depth 10 meters from the piling, utilizing bubble curtain sound attenuation. Note: all decibel levels discussed hereafter will assume a reference pressure of 1 µPa.	Construction (Design-Builder)	Special Conditions
ESA-036	100	NMFS 2007 BO, MM: Temp Access Rds USFWS 2007 BO, MM: Temp Access Rds	The Design-Builder shall use existing roads or travel paths whenever possible.	Construction (Design-Builder)	Special Conditions
ESA-037	101	NMFS 2007 BO, MM: Temp Access Rds USFWS 2007 BO, MM: Temp Access Rds	The Design-Builder shall use stabilized construction entrances and wheel washing stations where determined appropriate.	Construction (Design-Builder)	Special Conditions
ESA-039	102	NMFS 2007 BO, MM: Invasive Weeds	The Design-Builder shall only apply Glyphosate during dry conditions, by wicking versus broadcast spraying, using either Agri-Dex (preferred) or LI700 as surfactants.	Construction (Design-Builder)	Special Conditions
ESA-040	103	NMFS 2007 BO, MM: Invasive Weeds USFWS 2007 BO, MM: Invasive Weeds	The Design-Builder shall not use Glyphosate products identified as "toxic to fish".	Construction (Design-Builder)	Special Conditions
ESA-041	104	NMFS 2007 BO, MM: Invasive Weeds USFWS 2007 BO, MM: Invasive Weeds	The Design-Builder shall apply herbicides in accordance with label requirements to avoid over application and drift.	Construction (Design-Builder)	Special Conditions
ESA-042	105	NMFS 2007 BO, MM: Invasive Weeds USFWS 2007 BO, MM: Invasive Weeds	The Design-Builder shall mark herbicide application boundaries and replant with native species.	Construction (Design-Builder)	Special Conditions
ESA-044	106	NMFS 2007 BO, MM: Temp Crossings USFWS 2007 BO, MM: Temp Crossings	The Design-Builder shall keep temporary structures in place for the minimum amount of time necessary.	Construction (Design-Builder)	Special Conditions
ESA-045	107	NMFS 2007 BO, MM: Temp Crossings USFWS 2007 BO, MM: Temp Crossings	The Design-Builder shall fill holes left from removal of temporary pilings with clean native substrate that matches surrounding substrate materials when feasible.	Construction (Design-Builder)	Special Conditions
ESA-046	108	NMFS 2007 BO, MM: Temp Crossings USFWS 2007 BO, MM: Temp Crossings	The Design-Builder shall use untreated wood for temporary bridge decking.	Construction (Design-Builder)	Special Conditions
ESA-048	109	NMFS 2007 BO, MM: Perm Crossings USFWS 2007 BO, MM: Perm Crossings	The Design-Builder shall use drilled shaft construction for all permanent in-water bridge piers.	Construction (Design-Builder)	Special Conditions
ESA-050	110	NMFS 2007 BO, MM: Perm Crossings USFWS 2007 BO, MM: Perm Crossings	The Design-Builder shall place pier shafts to a depth adequate to prevent future scour.	Construction (Design-Builder)	Special Conditions
ESA-053	111	NMFS 2007 BO, MM: Perm Crossings USFWS 2007 BO, MM: Perm Crossings	The Design-Builder shall minimize the size of cofferdams and caissons to the extent possible.	Design + Construction (Design-Builder)	Special Conditions

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ESA-054	112	NMFS 2007 BO, MM: Storm Water Outfalls USFWS 2007 BO, MM: Storm Water Outfalls	The Design-Builder shall avoid or minimize the construction of new outfalls to the extent possible by connecting project drainage to existing conveyance systems such as pipes or non fish-bearing ditches or by dispersing flows in uplands or riparian areas.	Design + Construction (Design-Builder)	Special Conditions
ESA-055	113	NMFS 2007 BO, MM: Storm Water Outfalls USFWS 2007 BO, MM: Storm Water Outfalls	The Design-Builder shall avoid rock placement when possible, by dissipating energy and reducing flow prior to reaching outfalls and locate outfalls on already armored banks.	Construction (Design-Builder)	Special Conditions
ESA-056	114	NMFS 2007 BO, MM: Storm Water Outfalls USFWS 2007 BO, MM: Storm Water Outfalls	The Design-Builder shall use river rock or cobble for dissipater pads where velocity allows.	Design + Construction (Design-Builder)	Special Conditions
ESA-057	115	NMFS 2007 BO, MM: Storm Water Outfalls USFWS 2007 BO, MM: Storm Water Outfalls	The Design-Builder shall minimize the footprint of dissipater pads and outfalls and locate them to minimize habitat impact.	Design + Construction (Design-Builder)	Special Conditions
ESA-058	116	NMFS 2007 BO, MM: Storm Water Outfalls USFWS 2007 BO, MM: Storm Water Outfalls	The Design-Builder shall individually place rock below the ordinary high water mark, and not end-dump.	Construction (Design-Builder)	Special Conditions
ESA-060	117	NMFS 2007 BO, MM: Storm Water Outfalls USFWS 2007 BO, MM: Storm Water Outfalls	The Design-Builder shall locate stormwater outfalls to allow backwatering and reduce velocities.	Design + Construction (Design-Builder)	Special Conditions
ESA-063	118	NMFS 2007 BO, MM: Footprint Minimization USFWS 2007 BO, MM: Footprint Minimization	The Design-Builder shall limit vegetation impacts to the maximum extent possible.	Construction (Design-Builder)	Special Conditions
ESA-064	119	NMFS 2007 BO, MM: Footprint Minimization USFWS 2007 BO, MM: Footprint Minimization	The Design-Builder shall delineate work boundaries with construction fencing prior to clearing or grubbing to minimize disturbance to sensitive areas.	Construction (Design-Builder)	Special Conditions
ESA-066	120	NMFS 2007 BO, MM: Revegetation USFWS 2007 BO, MM: Revegetation	If streambanks are disturbed by project activities, the Design-Builder shall stabilize and revegetate using techniques in the Integrated Streambank Protection Guidance.	Construction (Design-Builder)	Special Conditions
ESA-067	121	NMFS 2007 BO, MM: Lighting USFWS 2007 BO, MM: Lighting	The Design-Builder shall ensure that work areas are not lit at night when inactive and that lighting will not be directed at the water.	Construction (Design-Builder)	Special Conditions
ESA-068	122	NMFS 2007 BO, MM: Lighting USFWS 2007 BO, MM: Lighting	The Design-Builder shall ensure that all nighttime lighting will be kept to the minimum necessary for the intended purpose, in terms of both the intensity and area illuminated.	Construction (Design-Builder)	Special Conditions
ESA069	123	NMFS 2007 BO, MM: Miscellaneous USFWS 2007 BO, MM: Miscellaneous	The Design-Builder shall ensure that work will not inhibit passage of juvenile fish throughout the construction period.	Construction (Design-Builder)	Special Conditions
ESA-071	124	NMFS 2007 BO, MM: Miscellaneous USFWS 2007 BO, MM: Miscellaneous	The Design-Builder shall ensure that creosoted materials will be disposed of in a landfill according to Chapter 173-304-190 WAC: Owner responsibilities for solid waste. The owner, operator, or occupant of any premise, business establishment, or industry will be responsible for the satisfactory and legal arrangement for the handling of all solid waste accumulated by them on the property.	Construction (Design-Builder)	Special Conditions
ESA-072	125	NMFS 2007 BO, MM: Miscellaneous USFWS 2007 BO, MM: Miscellaneous	If at any time fish are observed in distress or a fish kill occurs, the Design-Builder shall notify the WSDOT Engineer, so that WSDOT may notify NMFS [FWS] in the case of accidental fish kills.	Construction (Design-Builder)	Special Conditions
ESA-073	126	NMFS 2007 BO, MM: Miscellaneous USFWS 2007 BO, MM: Miscellaneous	The in-water work window is expected to be July 15 – August 31. The Design-Builder shall perform all in-water work within this window.	Construction (Design-Builder)	Special Conditions

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ESA-074	127	NMFS 2007 BO, MM: Miscellaneous USFWS 2007 BO, MM: Miscellaneous	The Design-Builder shall ensure that all project activities will comply with Washington Department of Fish and Wildlife (WDFW) Hydraulic Project Approval (HPA) requirements as agreed upon by NMFS.	Construction (Design-Builder)	Special Conditions
ESA-075	128	NMFS 2007 BO, (T&C: 1.a. + EFH CR: 1.a.)	The Design-Builder shall ensure that Staging and stockpile areas shall be a minimum of 300 feet from any sensitive area (e.g. streambanks, riparian areas, wetlands) unless site specific review completed by the project biologist, indicates that no impacts to the sensitive resource areas will occur due to topography or other factors.	Design + Construction (Design-Builder)	Special Conditions
ESA-076	129	NMFS 2007 BO, (T&C: 1.b. + EFH CR: 1.b.)	The Design-Builder shall use all manual methods in the control of invasive plant species prior to the use of Glyphosate to the maximum extent practicable.	Construction (Design-Builder)	Special Conditions
ESA-077	130	NMFS 2007 BO, (T&C: 1.c. + EFH CR: 1.c.)	The Design-Builder shall ensure that the surfactant LI 700® shall not be used in the formulation of Glyphosate for the control of invasive plant species.	Construction (Design-Builder)	Special Conditions
ESA-078	131	NMFS 2007 BO, (T&C: 1.h. + EFH CR: 1.g.)	If the Design-Builder decided to use work area isolation cofferdams, they shall be installed extending from the substrate to an elevation such that they will not be inundated at the maximum water level expected during in-water work.	Design + Construction (Design-Builder)	Special Conditions
ESA-079	132	NMFS 2007 BO, T&C: 1.i. USFWS 2007 BO, T&C: BT I, 1	The Design-Builder shall install individual pieces of multi-piece cofferdams in sequence to discourage fish from entering the project area and to allow fish that may become trapped to escape through the downstream opening.	Construction (Design-Builder)	Special Conditions
ESA-080	133	NMFS 2007 BO, T&C: 1.j. USFWS 2007 BO, T&C: BT I, 2	The Design-Builder shall conduct cofferdam dewatering in two to three stages, pausing between stages to accommodate fish removal.	Construction (Design-Builder)	Special Conditions
ESA-081	134	NMFS 2007 BO, T&C: 1.k. USFWS 2007 BO, T&C: BT I, 4	The Design-Builder shall not remove cofferdam materials until turbidity levels within the work area are the same as the river.	Construction (Design-Builder)	Special Conditions
ESA-082	135	NMFS 2007 BO, T&C: 1.m.	The Design-Builder shall completely remove all pilings by either pulling or vibrating them out. If they cannot be removed in their entirety, pilings may be cut off two feet below existing streambed level with verbal approval from NMFS.	Construction (Design-Builder)	Special Conditions
ESA-083	136	NMFS 2007 BO, T&C: 2.a.	The Design-Builder shall submit the sound attenuation design specifications to the WSDOT Engineer 90 days before impact pile driving, so that WSDOT may submit the design specifications to NMFS for review and comment a minimum of 30 days prior to impact pile driving.	Design + Construction (Design-Builder)	Special Conditions
ESA-084	137	NMFS 2007 BO, T&C: 2.b.	The Design-Builder shall ensure that if more than one impact pile hammer is employed in proofing temporary pilings for the temporary Puyallup River work trestle, that no more than one operates at a time.	Construction (Design-Builder)	Special Conditions
ESA-085	138	NMFS 2007 BO, T&C: 2.c.	The Design-Builder shall utilize the approved sound attenuation system identified in ID #162 for all impact pile proofing in the Puyallup River in order to meet the project's performance standard. Impact pile installation without sound attenuation is authorized only as necessary to determine baseline Sound Pressure Levels (SPLs) and only as specified in the hydroacoustic monitoring plan.	Construction (Design-Builder)	Special Conditions
ESA-086	139	NMFS 2007 BO, T&C: 2.d.	The Design-Builder shall not impact install and/or proof steel pilings between one hour after sunset and one hour before sunrise.	Construction (Design-Builder)	Special Conditions
ESA-087	140	NMFS 2007 BO, T&C: 2.e.	The DB shall immediately notify the WSDOT Engineer if hydroacoustic monitoring indicates that the SPLs will exceed the performance standard in the Biological Opinion. The FHWA shall consult with NMFS regarding modifications to the sound attenuation methodology in an effort to reduce the SPLs below the limits of take and continue hydroacoustic monitoring.	Construction (Design-Builder, WSDOT will notify NMFS)	Special Conditions
ESA-088	141	NMFS 2007 BO, T&C: 3.a.	The Design-Builder shall develop a Temporary Erosion and Sediment Control plan that addresses site-specific topographic, geologic, vegetative, hydrologic, and habitat conditions and is included as a provision of the contract. The TESC plan shall be continuously implemented, monitored, and modified as necessary, for the duration of the project, to eliminate or minimize the movement of soils and sediments both into the river from all upland construction areas and within the river, within the limits of the 300 foot water quality mixing zone for the Puyallup River.	Design + Construction (Design-Builder)	Special Conditions
ESA-089	142	NMFS 2007 BO, T&C: 3.b. USFWS 2007 BO, T&C: BT III, 3	The Design-Builder shall use a continuous flow model calibrated to forested conditions in sizing duration flow control BMPs.	Design (Design-Builder)	Special Conditions
ESA-090	143	NMFS 2007 BO, T&C: 3.d.	The Design-Builder shall treat all stormwater from water crossings to ensure that there is no direct discharge of untreated stormwater to receiving waters.	Design (Design-Builder)	Special Conditions

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ESA-091	144	USFWS 2007 BO, T&C: BT III, 1	The Design-Builder shall ensure that concentrations of dissolved metals from the project do not exceed 2.3 µg/L dissolved copper over background levels not exceeding 3.0 µg/L and 5.6 µg/L dissolved zinc over background levels between 3.0 µg/L and 13.0 µg/L. The points of compliance will be: i. In the Puyallup River immediately outside the mixing zone (300 ft long downstream by 25 percent of the width of the river during the 7Q10 discharge). Hydraulic modeling conducted by the WSDOT indicates that dissolved metal concentrations at the confluence of each of these waterbodies with listed fish-bearing waters will meet the thresholds identified above, as long as concentrations at the stormwater outfalls do not exceed the following values 90 percent of the time: • Dissolved copper: 7.8 µg/L, • Dissolved zinc: 44.8 µg/L.	Design (Design-Builder)	Special Conditions
ESA-092	145	NMFS 2007 BO, T&C: 3.f.	The Design-Builder shall ensure that post-project discharges into the Puyallup River at the WSDOT SR 167 Extension stormwater outfall do not exceed pre-project annual loads of dissolved copper and dissolved zinc.	Design (Design-Builder)	Special Conditions
ESA-093	146	NMFS 2007 BO, T&C: 3.g.	The Design-Builder shall submit all documentation and associated plans for stormwater treatment methods and facilities to the WSDOT Engineer so that WSDOT can provide NMFS with the quantitative evidence that the proposed action will not exceed 2.3 µg/L dissolved copper over background levels not exceeding 3.0 µg/L and 5.6 µg/L dissolved zinc over background levels between 3.0 µg/L and 13.0 µg/L, 1.5 feet from the WSDOT stormwater outfall in the Puyallup River. The analytical metric for demonstrating anticipated performance of the final design and installation of infrastructure that will not exceed these concentrations shall be a combination of the FHWA Method (WSDOT 2003a) and the WDOE Guidance for Conducting Mixing Zone Analyses (WDOE 2007a), or equivalent, and shall be performed consistent with respect to making conservative assumptions regarding BMP performance. The Design-Builder shall submit all completed calculations, with all parameters, methods, and assumptions documented, and associated plans for stormwater treatment methods and facilities to the WSDOT Engineer 120 days prior to the start of construction so that WSDOT can approve and submit these to NMFS for their approval within 90 days prior to beginning construction of the project. If exceedences of these dissolved copper and dissolved zinc concentrations lead to NMFS disapproval, reinitiation of consultation is required.	Design (Design-Builder)	Special Conditions
ESA-094	147	NMFS 2007 BO, T&C: 4.b.	The Design-Builder shall develop and implement a hydroacoustic monitoring plan to document the effectiveness of the approved sound attenuation system. The Design-Builder shall submit the monitoring plan to the WSDOT Engineer 90 days priot to impact pile driving, so that WSDOT can approve the monitoring plan and submit it to NMFS for their approval a minimum of 30 days prior to impact pile driving. The hydroacoustic monitoring plan must be prepared and implemented by an individual(s) with proven expertise in the field of underwater acoustics, fish biology and behavior, and data collection. The Design-Builder shall provide the results, once monitoring is complete, to the WSDOT Engineer so that WSDOT can submit the results of monitoring to NMFS within 90 days of completing monitoring.	Construction (Design-Builder)	Special Conditions
ESA-095	148	NMFS 2007 BO, T&C: 4.c.	The Design-Builder shall document all listed salmonids encountered during work area isolation by promptly submitting Inwater Construction Monitoring Report forms (Appendix VI), or equivalent, to the WSDOT Engineer, so that WSDOT can submit the documentation to NMFS within 30 days of work area isolation.	Construction (Design-Builder)	Special Conditions
ESA-096	149	NMFS 2007 BO, T&C: 4.d.	Monitor erosion control Terms and Conditions, including minimization measures and BMPs, and take corrective action if necessary to ensure protection of riparian and inwater habitats.	Construction (Design-Builder)	Special Conditions
ESA-112	150	NMFS 2007 BO, EFH CR: 3.b.	The Design-Builder shall use a continuous flow model calibrated to forested conditions in sizing duration flow control BMPs.	Design (Design-Builder)	Special Conditions
ESA-113	151	NMFS 2007 BO, EFH CR: 3.d.	The Design-Builder shall convey all stormwater from water crossings upland for treatment to ensure that there is no direct discharge to receiving waters.	Design + Construction (Design-Builder)	Special Conditions
ESA-122	152	BA/BO Project Description	The Design-Builder's bridge design for the new bridge shall have no more than one in-water pier with drilled shafts.	Design + Construction (Design-Builder)	Special Conditions
ESA-123	153	BA/BO Project Description	The Design-Builder's project design documents and plan sheets may have a temporary work trestle, not larger than 30 ft x100 ft.	Design + Construction (Design-Builder)	Special Conditions
ESA-124	154	BA/BO Project Description	The Design-Builder's temporary work trestle design shall have no more than sixty, 24-inch hollow steel trestle support piles.	Design + Construction (Design-Builder)	Special Conditions
ESA-126	155	NMFS 2013 RI BO	NMFS requires that all stormwater will be infiltrated. If soil conditions do not allow adequate infiltration, then the Design Builder shall ensure that stormwater be treated using the most advanced and approved design for enhanced treatment and detention before the stormwater is allowed to enter the Puyallup River or its tributaries. The Design-Builder shall provide the WSDOT Engineer with their proposed stormwater treatment, Hi-RUN analysis and designs 120 days before construction begins, so that FHWA/WSDOT can provide the NMFS with the analysis and designs, for review and approval, no later than 90 days before construction begins.	Design + Construction (Design-Builder)	Special Conditions

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ESA-127	156	NMFS 2013 RI BO	The Design-Builder shall ensure that the area of impact defined by water quality mixing zones does not exceed 300 feet in the Puyallup River.	Construction (Design-Builder)	Special Conditions
ESA-128	157	NMFS 2013 RI BO	The Design-Builder shall use an underwater noise attenuation device, on those piles located in water three feet or deeper during impact proofing, that is expected to achieve a minimum reduction of 10 decibels.	Construction (Design-Builder)	Special Conditions
ESA-129	158	NMFS 2013 RI BO	The FHWA and WSDOT have committed that stormwater runoff that cannot be infiltrated will receive flow control and enhanced treatment for pollutants. If the Design-Builder determines that any sites are unsuitable for infiltration or enhanced treatment, the Design-Builder shall analyze these areas for their pollutant loads and dissolved zinc and copper concentrations. The Design-Builder shall provide this information, along with a treatment plan, to the WSDOT Engineer 120 days before construction begins, so that FHWA/WSDOT can provide the treatment plan to the NMFS for approval a minimum of 90 days before construction begins. If the analysis predicts potential exceedences of dissolved copper and dissolved zinc concentrations, and then leads to the NMFS disapproval of the revised treatment, reinitiation of consultation is required as identified in the original Opinion Term and Condition 3.g.	Design + Construction (Design-Builder)	Special Conditions
ESA-130	159	NMFS 2013 RI BO	The Design-Builder may construct the new bridge pier located below the OHWM of the Puyallup River within a caisson enclosure structure that doubles to allow working in the dry and isolates the work from fish-bearing water. The caisson resembles a large diameter tube that is vibrated into the substrate and the water is pumped out. If the Design-Builder chooses this method, juvenile steelhead trapped within will be removed with dip nets as the water level lowers.	Construction (Design-Builder)	Special Conditions
ESA-131	160	NMFS 2013 RI BO	The Design-Builder shall implement all reasonable and prudent measures associated with the specified incidental take in the BOs. Take is exempted for: 1. the area of temporary water quality degradation, not to exceed five Nephelometric Turbidity Units above background levels for no more than three days, within 300 feet of in-water construction activities in the Puyallup River.	Construction (Design-Builder)	Special Conditions
ESA-132	161	NMFS 2013 RI BO	The Design-Builder shall implement all reasonable and prudent measures associated with the specified incidental take in the BOs. Take is exempted for: 2. impact pile installation without sound attenuation only as necessary to determine baseline SPLs and only as specified in the hydroacoustic monitoring plan;	Construction (Design-Builder)	Special Conditions
ESA-133	162	USFWS 2007 BO, T&C: BT I, 3	The Design-Builder shall screen dewatering pumps in a manner that prevents fish from being entrained in the pumps or impinged on the screens. The pump intake shall be screened by one of the following: a. Perforated plate: 0.094 inch (maximum opening diameter). b. Profile bar: 0.069 inch (maximum width opening). c. Woven wire: 0.087 inch (maximum opening in the narrow direction). The minimum open area for all types of fish guards is 27%. The screened intake shall consist of a facility with enough surface area to ensure that the velocity through the screen is less than 0.4 feet per second. Screen maintenance shall be adequate to prevent injury or entrapment of juvenile fish and the screen shall remain in place whenever water is withdrawn from the stream through the pump intake.	Construction (Design-Builder)	Special Conditions
ESA-134	163	USFWS 2007 BO, T&C: BT I, 3	The Design-Builder shall document all bull trout encountered during work area isolation and immediately report any encounters to the WSDOT Engineer, so that WSDOT may report the results to USFWS within 30 days of work area isolation.	Construction (Design-Builder)	Special Conditions
ESA-145	164	NMFS 2007 BO, Effect on Habitats and Species	The Design-Builder shall use a vibratory hammer to install the piles, limiting the use of an impact hammer to that needed for proofing.	Construction (Design-Builder)	Special Conditions
ESA-147	165	NMFS 2007 BO, Effects of Increased Impervious Surfaces - Performance Standard	The WSDOT will apply the following performance standard to all water quality BMPs, with the exception of the CAVFS and bio-infiltration swales proposed for use in the Puyallup River TDA: • Basic Treatment = At least 80 percent removal of TSS; • Enhanced Treatment = Basic Treatment plus effluent concentrations not to exceed the following values 90 percent of the time at the point of discharge: □ Total copper: 12 µg/L; □ Dissolved copper: 7.8 µg/L; □ Total zinc: 67 µg/L; □ Dissolved zinc: 44.8 µg/L. For the CAVFS and bio-infiltration swales, effluent concentrations will not exceed the following values 90 percent of the time at the point of discharge: □ Total copper: 9.8 µg/L; □ Dissolved copper: 6.2 µg/L; □ Total zinc: 62.4 µg/L; □ Dissolved zinc: 24.8 µg/L.	Construction (Design-Builder)	Special Conditions
ESA-148	166	NMFS 2007 BO	If a sick, injured or dead specimen of a threatened or endangered species is found in the project area, the finder must notify NMFS through the contact person identified in the transmittal letter for this Opinion, or through the NMFS Office of Law Enforcement at (800) 853-1964, and follow any instructions. If the proposed action may worsen the fish's condition before NMFS can be contacted, the finder should attempt to move the fish to a suitable location near the capture site while keeping the fish in the water and reducing its stress as much as possible. Do not disturb the fish after it has been moved. If the fish is dead, or dies while being captured or moved, report the following information: (1) NMFS consultation number; (2) the date, time, and location of discovery; (3) a brief description of circumstances and any information that may show the cause of death; and (4) photographs of the fish and where it was found. NMFS also suggests that the finder coordinate with local biologists to recover any tags or other relevant research information. If the specimen is not needed by local biologists for tag recovery or by NMFS for analysis, the specimen should be returned to the water in which it was found, or otherwise discarded.	Construction (Design-Builder)	Special Conditions

These Commitments are in addition to those listed in the contract, plans, specials and any applicable WSDOT manuals.

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ESA-149	167	USFWS 2007 BO	The FWS is to be notified within three working days upon locating a dead, injured or sick endangered or threatened species specimen. Initial notification must be made to the nearest U.S. Fish and Wildlife Service Law Enforcement Office. Notification must include the date, time, precise location of the injured animal or carcass, and any other pertinent information. Care should be taken in handling sick or injured specimens to preserve biological materials in the best possible state for later analysis of cause of death, if that occurs. In conjunction with the care of sick or injured endangered or threatened species or preservation of biological materials from a dead animal, the finder has the responsibility to ensure that evidence associated with the specimen is not unnecessarily disturbed. Contact the U.S. Fish and Wildlife Service Law Enforcement Office at (425) 883-8122, or the Western Washington Fish and Wildlife Office at (360) 753-9440.	Construction (Design-Builder)	Special Conditions
GHC-1	168	Soil Stockpile and Solid Waste Removal	The Design-Builder shall ensure that the excavated material to be stockpiled onsite shall consist of clean soils (WAC 173-350-100) and the following excavated materials and debris will be removed from the soils to be placed in the stockpile and shall be properly disposed of in a permitted solid waste facility; metals, plastics, geo-textiles, rubber, tires, and visually identifiable creosote or other chemically treated lumber, concrete, clearing and grubbing, foundations, fences and other structures or obstructions. Large logs shall also be removed from the excavated soils and properly disposed of offsite.	Construction (Design-Builder)	General Conditions
HPA-01	169	Fish, Aquatic Habitat, and T&E Fish Species; Pile Driving; Schedule; Timing Requirements	TIMING LIMITATIONS: The project may begin and shall be completed within the following timing constraints: a. The Design-Builder shall ensure that construction work below the wetted perimeter of the Puyallup River shall only occur from July 15 through August 31 of any year for the protection of migrating juvenile salmonids.	Construction (Design-Builder)	Timing Limitations
HPA-02	170	Notification Requirements; Reporting Requirements; Water Bypass Provisions; Water Resources	NOTIFICATION REQUIREMENT: The Design-Builder shall notify WSDOT so WSDOT can notify the WDFW Area Habitat Biologist (AHB) of the project start date. Notification shall be received by the AHB prior to the start of construction. The Design-Builder shall notify WSDOT so WSDOT can provide written notice to the WDFW Enforcement Sergeant no less than three working days prior to start of work, and again within seven (7) days of completion of work to arrange for a compliance inspection. The notification shall include the permittee's name, project location, starting date for work or completion date of work, and the control number for the Hydraulic Project Approval obtained for the Project.	Environmental (Design-Builder)	Notification Requirement
HPA-03	171	Drainage Facilities; Fish, Aquatic Habitat, and T&E Fish Species	The Design-Builder shall ensure that design and construction of drainage outfalls shall be equipped with a Tideflex or other similar type of tide gate, to prevent fish from entering the drainage system.	Drainage (Design-Builder)	Drainage Outfalls
HPA-04	172	Clearing and Grading; Excavation; Fish, Aquatic Habitat, and T&E Fish Species; Water Quality; Water Resources	The Design-Builder shall ensure that materials, excavated or otherwise, shall be stockpiled above Ordinary High Water (OHW) in an approved upland disposal site.	Construction (Design-Builder)	Excavated Material
HPA-05	173	Fish, Aquatic Habitat, and T&E Fish Species; Pile Driving	The Design-Builder shall use a vibratory hammer to install the piles, limiting the use of an impact hammer to that needed for proofing. Hydraulic, cable, or other types of impact drivers where the driving force can be regulated are preferred over diesel impact drivers. Use of impact drivers by the Design-Builder will be governed by applicable in-water work fish windows, limitations, and BMPs as specified by associated Federal, State, and local permits.	Engineering Management (Design-Builder)	Intertidal and In-Water Pile Driving and Removal Provisions
HPA-06	174	Solid and Liquid Waste Disposal; Timing Requirements	The Design-Builder shall be responsible for removing any temporary pilings used for coffer dams (or other uses) by the use of vibratory equipment within the permitted work window. The Design-Builder shall ensure that the pilings are disposed or stored upland following completion of the Work.	Construction (Design-Builder)	Intertidal and In-Water Pile Driving and Removal Provisions
HPA-07	175	Fish, Aquatic Habitat, and T&E Fish Species; Monitoring Requirements; Notification Requirements; Pile Driving	If a fish kill occurs or fish are observed in distress from pile driving, the Design-Builder shall immediately cease the activity and WSDOT shall be notified. WSDOT will notify the Washington Military Department's Emergency Management Division and to the WDFW Area Habitat Biologist immediately. The Design-Builder shall ensure that a project inspector/biologist is onsite during all in water pile driving operations to monitor for distressed fish. The project inspector/biologist qualification shall include demonstrated field experience in fish identification. The Design-Builder shall ensure that this inspector has full authority to stop work in the event that dead or distressed fish are observed.	Construction (Design-Builder)	Intertidal and In-Water Pile Driving and Removal Provisions
HPA-08	176	Dredging; Excavation; Shoreline Provisions	The Design-Builder shall limit removal or destruction of overhanging bankline vegetation to that necessary for the construction of the Project. Within seven (7) calendar days of project completion, the Design-Builder shall ensure that all disturbed areas shall be protected from erosion using vegetation or other means.	Environmental (Design-Builder)	Habitat Feature and Water Quality Provisions
HPA-09	177	Excavation; Shoreline Provisions; Solid and Liquid Waste Disposal	The Design-Builder shall ensure that all construction related debris on the river bank be removed and disposed of at an upland permitted facility such that it does not enter waters of the State.	Landscaping (Design-Builder)	Habitat Feature and Water Quality Provisions
HPA-10	178	Fish, Aquatic Habitat, and T&E Fish Species; Monitoring Requirements; Notification Requirements; Pile Driving	If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), the Design-Builder shall notify the WSDOT engineer immediately so that WSDOT can provide immediate notification to the Washington Military Department's Emergency Management Division at 1-800-258-5990 and to the Area Habitat Biologist.	Construction (Design-Builder & WSDOT)	Habitat Feature and Water Quality Provisions

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HPA-11	179	Fish, Aquatic Habitat, and T&E Fish Species; Solid and Liquid Waste Disposal; SPCCP Requirements; Water Quality	The Design-Builder shall ensure that erosion control methods are used to prevent silt-laden water from entering the river. If high flow conditions that may cause siltation are encountered during this project, the Design-Builder shall stop work until the flow subsides.	Construction (Design-Builder)	Habitat Feature and Water Quality Provisions
HPA-12	180	Outfall Installation; Water Diversion and Fish Precautions	The Design-Builder shall install outfalls in the dry or in isolation from the river flow. Any device used for diverting water from a fish-bearing stream shall be equipped with a fish guard to prevent passage of fish into the diversion device pursuant to RCW 77.57.010 and 77.57.070. The pump intake shall be screened by one of the following: a. Perforated plate: 0.094 inch (maximum opening diameter). b. Profile bar: 0.069 inch (maximum width opening). c. Woven wire: 0.087 inch (maximum opening in the narrow direction). The minimum open area for all types of fish guards is 27%. The screened intake shall consist of a facility with enough surface area to ensure that the velocity through the screen is less than 0.4 feet per second. Screen maintenance shall be adequate to prevent injury or entrapment of juvenile fish and the screen shall remain in place whenever water is withdrawn from the stream through the pump intake.	Construction (Design-Builder)	Special Conditions
HPA-13	181	Infrastructure Installation; Treated Lumber	The Design-Builder shall ensure that all treated lumber to be used for the project shall meet or exceed the standards established in "Best Management Practices For the Use of Treated Wood in Aquatic and Other Sensitive Environments" developed by the Western Wood Preservers Institute, Wood Preservation Canada, Southern Pressure Treaters' Association, and Timber Piling Council, dated August 2, 2006, and any current amendments or addenda to it. Current amendments and addenda include but may not be limited to "Amendment #1 CCA Chromated Copper Arsenate", dated October 25, 2006; and "Addendum #1: ACC Acid Chromated Copper", dated February 28, 2007. Sawdust, drillings, and trimmings from treated wood or plastic shall be contained with tarps or other impervious materials and prevented from contact with the beach, bed, or waters of the State. Under no circumstances shall creosote treated piling or lumber be used for project construction.	Construction (Design-Builder)	Special Conditions
HPA-15	182	Hazardous Materials; Solid and Liquid Waste Disposal; SPCCP Requirements; Water Quality	The Design-Builder shall ensure that measures are taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into surface waters. An emergency spill containment kit must be located onsite along with a pollution prevention plan detailing planned fueling, materials storage, and equipment storage. Waste storage areas must be prepared to address prevention and cleanup of accidental spills.	Construction (Design-Builder)	Habitat Feature and Water Quality Provisions
HPA-16	183	Bridge Installation	The Design-Builder shall ensure that the bridge is constructed to pass the 100-year peak flow with consideration of debris likely to be encountered.	Construction (Design-Builder)	
HPA-17	184	Bridge Installation	The Design-Builder shall ensure that the bridge structure is placed in a manner that minimizes damage to the riverbed and banks.	Construction (Design-Builder)	
HPA-18	185	Bridge Installation	The Design-Builder shall ensure that abutments, piers, piling, sills, approach fills, etc., shall not constrict the flow and cause any appreciable increase (not to exceed 0.2 feet) in backwater elevation (calculated at the 100-year flood) or channel-wide scour, and shall be aligned to cause the least effect on the hydraulics of the river.	Construction (Design-Builder)	
HPA-19	186	Bridge Installation	The Design-Builder shall ensure that riprap materials used for structure protection shall be clean, angular rock, which shall be installed to withstand the 100-year peak flow.	Construction (Design-Builder)	
HPA-20	187	Bridge Installation	The Design-Builder shall ensure that structures containing concrete are sufficiently cured prior to contact with water to avoid leaching. Fresh concrete shall not be allowed to come into contact with state waters.	Construction (Design-Builder)	
HPA-21	188	Bridge Installation	Where aggregate or earth type material is used for paving or accumulates on the bridge, the Design-Builder shall ensure that curbs, or wheel guards are installed and maintained to prevent the loss of material into the river.	Construction (Design-Builder)	
HPA-22	189	Bridge Installation	Design-Builder shall ensure that a tarp system or similar system that will capture debris and slurries, is placed beneath the bridge during construction of the new bridge. Material collected within this debris capture system shall be disposed of at an approved upland location so it will not re-enter waters of the state.	Construction (Design-Builder)	
HPA-23	190	Bridge Removal	Removal of the existing structure shall be accomplished so the structure and associated material does not enter the river. The Design-Builder shall ensure that a tarp system or similar system that will capture debris is placed beneath the bridge during removal of the existing bridge. Material collected within this debris capture system shall be disposed of at an approved upland location so it will not re-enter waters of the state.	Construction (Design-Builder)	
HPA-24	191	Bridge Removal	Bridge removal shall be accomplished by mechanical means. This HPA does not authorize blasting.	Design/Construction (Design-Builder)	
HPA-25	192	Construction Equipment	Equipment used for this project may operate below the ordinary high water line, provided the drive mechanisms (wheels, tracks, tires, etc.) shall not enter or operate below the ordinary high water line.	Construction (Design-Builder)	

These Commitments are in addition to those listed in the contract, plans, specials and any applicable WSDOT manuals.

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HPA-26	193	Construction Equipment	Equipment used for this project shall be free of external petroleum-based products while working around the river. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities along the river.	Construction (Design-Builder)	
NEPA/MOA/UDP-1	194	Procedures for Discovery of Cultural Resources	If any WSDOT employee, contractor or subcontractor believes that he or she has uncovered a cultural resource (including prehistoric or historic materials and/or human skeletal remains) at any point in the project, all work adjacent to the discovery must stop. The Design-Builder shall secure the discovery location at all times.	WSDOT/Design-Builder	Special Conditions
NEPA/MOA/UDP-2	195	Procedures for Discovery of Cultural Resources	The Design-Builder shall contact the WSDOT engineer in the event that cultural resources are encountered at any point in the project.	Construction (Design-Builder)	Special Conditions
NEPA/MOA/UDP-3	196	Procedures for Discovery of Cultural Resources	Project construction outside the discovery location may continue while documentation and assessment of the cultural resources proceed. A WSDOT CR Specialist must determine the boundaries of the discovery location.	WSDOT/Design-Builder	Special Conditions
NEPA/MOA-1	197	Meridian Street Bridge Treatment Plan	Design-Builder shall present to the WSDOT engineer a plan to move the bridge using appropriate measures to ensure the historical and structural integrity of the steel truss in accordance with industry standards for transportation structures. WSDOT Bridge Engineers shall review and approve the detailed plans and structural calculations for the means and methods of picking and moving the steel truss.	WSDOT/Design-Builder	Special Conditions
NEPA/MOA-2	198	Meridian Street Bridge Treatment Plan	Design-Builder shall move the bridge to a location selected by the WSDOT Engineer. The steel truss shall be supported at each pin point of the truss, with temporary footings to keep the structure at least 3' above ground. The temporary supports and the details for removal and moving the truss, will be designed by and bear the seal of a licensed professional structural engineer.	WSDOT/Design-Builder	Special Conditions
NEPA/MOA-3	199	Meridian Street Bridge Treatment Plan	Design-Builder shall address any significant corrosion issues by removing rust and re-painting locations of the steel truss as necessary to assure structural integrity during storage, as directed by the WSDOT engineer. The steel truss shall be secured with fencing.	WSDOT/Design-Builder	Special Conditions
NEPA-01	200	Energy and Natural Resources; Transportation	The Design-Builder shall encourage carpooling of workers to the site.	Traffic (Design-Builder)	Special Conditions
NEPA-02	201	Economic Impacts; Energy and Natural Resources	The Design-Builder shall purchase construction materials from local suppliers as much as possible, to limit fuel consumption associated with material transport.	Construction (Design-Builder)	Special Conditions
NEPA-03	202	Access Road Provisions; Energy and Natural Resources; Equipment Provisions; Excavation	The Design-Builder shall set up active construction areas, staging areas, and material transfer sites in ways that reduce equipment and vehicle idling. WSDOT and the Design-Builder shall work together to promote ridesharing and other commute trip reduction efforts for employees working on the project.	Construction (Design-Builder)	Special Conditions
NEPA-04	203	Protection of sensitive areas	The Design-Builder shall install high visibility fencing around the Fort Maloney historical marker, and preserve and protect the delineated area throughout the life of the project; acting immediately to repair or restore any fencing damaged or destroyed.	Construction (Design-Builder)	High visibility fencing
NPDES SW-001	204	Clearing and Grading; Permit Coverage	1. Operators of the following construction activities are required to seek coverage under this permit: a. Clearing, grading and/or excavation which results in the disturbance of one or more acres, and discharges storm water to surface waters of the State; and clearing, grading and/or excavation on sites smaller than 1 acre which are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb 1 acre or more, and discharges storm water to surface waters of the State. i. This includes forest practices that are part of a construction activity that will result in the disturbance of one or more acres, and discharges to surface waters of the State (i.e., forest practices which are preparing a site for construction activities).	Design-Builder	Operators Required to Seek Coverage Under this General Permit
NPDES SW-002	205	Permit Coverage; SPCCP Requirements; TESCP Requirements; Water Quality	This permit also authorizes storm water discharges from support activities related to the permitted construction site (e.g., an onsite portable rock crusher, offsite equipment staging yards, material storage areas, borrow areas, etc.) provided: a. The support activity is directly related to the permitted construction site that is required to have a National Pollutant Discharge Elimination System (NPDES) Permit; and b. The support activity is not a commercial operation serving multiple unrelated construction projects, and does not operate beyond the completion of the construction activity; and c. Appropriate controls and measures are identified in the Stormwater Pollution Prevention Plan (SWPPP; or the temporary erosion and sediment control plan [TESCP] or Spill Prevention Control and Countermeasures Plan [SPCCP]) for the discharges from the support activity areas.	Design-Builder	Stormwater Associated with Construction Support Activity
NPDES SW-003	206	Water Quality	The Design-Builder is responsible for ensuring that discharges shall not cause or contribute to a violation of surface water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC), sediment management standards (Chapter 173-204 WAC), and human health-based criteria in the National Toxics Rule (40 CFR Part 131.36). Discharges that are not in compliance with these standards are not authorized.	Design-Builder	Compliance with Standards

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NPDES SW-004	207	Erosion Control; Submittal Requirements; TESCP Requirements	Prior to the discharge of storm water and non-storm water to waters of the State, the Design-Builder shall apply all known, available, and reasonable methods of prevention, control, and treatment (AKART). This includes the preparation and implementation of an adequate Stormwater Pollution Prevention Plan (SWPPP; or TESCP or SPCCP), with all appropriate best management practices (BMPs) installed and maintained in accordance with the SWPPP (or TESCP or SPCCP) and the terms and conditions of this permit.	Design-Builder	Compliance with Standards
NPDES SW-005	208	Water Quality	Compliance with water quality standards shall be presumed, unless discharge monitoring data or other site specific information demonstrates that a discharge causes or contributes to a violation of water quality standards, when the Design-Builder is: 1. In full compliance with all permit conditions, including planning, sampling, monitoring, reporting, and recordkeeping conditions; and 2. Fully implementing storm water BMPs contained in storm water management manuals published or approved by Ecology, or BMPs that are demonstrably equivalent to BMPs contained in storm water technical manuals published or approved by Ecology, including the proper selection, implementation, and maintenance of all applicable and appropriate BMPs for onsite pollution control.	Design-Builder	Compliance with Standards
NPDES SW-006	209	Ground Water Quality	For sites that discharge to both surface water and ground water, all ground water discharges are also subject to the terms and conditions of this permit. If the Design-Builder plans to discharge to ground water through an injection well, the Design-Builder shall comply with any applicable requirements of the Underground Injection Control (UIC) regulations, Chapter 173-218 WAC.	Design-Builder	Compliance with Standards
NPDES SW-007	210	BMP Inspection and Maintenance; BMP Installation; Monitoring Requirements; Recordkeeping; SPCCP Requirements; TESCP Requirements	The Design-Builder shall maintain a site log book that contains a record of the implementation of the SWPPP (or TESCP or SPCCP) and other permit requirements including the installation and maintenance of BMPs, site inspections, and storm water monitoring.	Design-Builder	Site Log Book
NPDES SW-008	211	BMP Inspection and Maintenance; Recordkeeping; SPCCP Requirements; TESCP Requirements	The Design-Builder's site inspections shall include all areas disturbed by construction activities, all BMPs, and all storm water discharge points. The Design-Builder shall visually examine storm water for the presence of suspended sediment, turbidity, discoloration, and oil sheen. Inspectors shall evaluate the effectiveness of BMPs and determine if it is necessary to install, maintain, or repair BMPs to improve the quality of storm water discharges. Based on the results of the inspection, the Design-Builder shall correct the problems identified as follows: (a) Review the SWPPP (or TESCP) for compliance with Condition S9 and make appropriate revisions within 7 days of the inspection; and (b) Fully implement and maintain appropriate source control and/or treatment BMPs as soon as possible, but no later than 10 days of the inspection; and document BMP implementation and maintenance in the site log book. If installation of necessary treatment BMPs is not feasible within 10 days, Ecology may approve additional time when an extension is requested by the Design-Builder within the initial 10-day response period.	Design-Builder	Site Inspections
NPDES SW-009	212	BMP Inspection and Maintenance; SPCCP Requirements; TESCP Requirements; Timing Requirements	Site inspections shall be conducted by the Design-Builder at least once every calendar week and within 24 hours of any discharge from the site. The inspection frequency for temporarily stabilized, inactive sites may be reduced to once every calendar month, at the sole discretion of WSDOT.	Design-Builder	Site Inspections
NPDES SW-010	213	BMP Inspection and Maintenance; Erosion Control	The Design-Builder shall ensure site inspections are conducted by a person who is knowledgeable in the principles and practices of erosion and sediment control. The inspector shall have the skills to: a. Assess the site conditions and construction activities that could impact the quality of storm water, and b. Assess the effectiveness of erosion and sediment control measures used to control the quality of storm water discharges.	Design-Builder	Site Inspections
NPDES SW-011	214	BMP Inspection and Maintenance; Erosion Control; TESCP Requirements	Construction sites 1 acre or larger that discharge storm water to surface waters of the State, shall have site inspections conducted by a Certified Erosion and Sediment Control Lead (CESCL). The Design-Builder shall identify a CESCL in the SWPPP (or TESCP) who will be present onsite or on-call at all times. Certification shall be obtained through an approved erosion and sediment control training program that meets the minimum training standards established by Ecology (refer to BMP C160 in the Manual).	Design-Builder	Site Inspections
NPDES SW-012	215	BMP Inspection and Maintenance; Erosion Control; Monitoring Requirements; SPCCP Requirements; Submittal Requirements; TESCP Requirements	The Design-Builder's inspector shall summarize the results of each inspection in an inspection report or checklist and be entered into, or attached to, the site log book. At a minimum, each inspection report or checklist shall include: a. Inspection date and time. B. Weather information; general conditions during inspection and approximate amount of precipitation since the last inspection, and within the last 24 hours. C. A summary or list of all BMPs that have been implemented, including observations of all erosion/sediment control structures or practices. D. The following shall be noted: i. locations of BMPs inspected, ii. Locations of BMPs that need maintenance, iii. The reason maintenance is needed, iv. Locations of BMPs that failed to operate as designed or intended, and v. locations where additional or different BMPs are needed, and the reason(s) why. E. A description of storm water discharged from the site. The inspector shall note the presence of suspended sediment, turbid water, discoloration, and/or oil sheen, as applicable. ** This commitment is continued in ID #304.**	Design-Builder	Site Inspections

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NPDES SW-013	216	Monitoring Requirements; Sampling; TESCP Requirements; Water Quality	If construction activity will involve the disturbance of 5 acres or more, the Design-Builder shall conduct turbidity sampling per Condition S4.C.	Design-Builder	Sampling Methods/Effective Dates
NPDES SW-014	217	Monitoring Requirements; Sampling; TESCP Requirements; Water Quality	Sampling Frequency a. Sampling shall be conducted by the Design-Builder at least once every calendar week, when there is a discharge of storm water (or authorized non-storm water) from the site. Samples shall be representative of the flow and characteristics of the discharge. b. When there is no discharge during a calendar week, sampling is not required. c. Sampling is not required outside of normal working hours or during unsafe conditions. If the Design-Builder is unable to sample during a monitoring period, the Discharge Monitoring Report (DMR) shall include a brief explanation.	Design-Builder	Sampling Frequency
NPDES SW-015	218	Monitoring Requirements; Sampling; TESCP Requirements; Water Quality	Sampling Locations a. Sampling is required at all discharge points where storm water (or authorized nonstorm water) is discharged offsite. b. The Design-Builder shall identify all sampling point(s) on the SWPPP (or TESCP or Water Quality Monitoring Plan) site map and clearly mark sampling locations in the field with a flag, tape, stake or other visible marker.	Design-Builder	Sampling Locations
NPDES SW-016	219	Monitoring Requirements; Sampling; TESCP Requirements; Water Quality	Sampling and Analysis Methods a. The Design-Builder shall perform Turbidity analysis with a calibrated turbidity meter (turbidimeter), either onsite or at an accredited lab. The results shall be recorded in the site log book in Nephelometric Turbidity Units (NTU).	Design-Builder	Sampling and Analysis Methods
NPDES SW-017	220	Notification Requirements; Sampling; TESCP Requirements; Water Quality	Turbidity Benchmark Values: The benchmark value for turbidity is 25 NTU (Nephelometric Turbidity Units); Turbidity 26 – 249 NTU: If discharge turbidity is greater than 25 NTU, but less than 250 NTU, the Design-Builder's CESCL shall: (1) Review the SWPPP (or TESCP or Water Quality Monitoring Plan) for compliance with Condition S9 and make appropriate revisions within 7 days of the discharge that exceeded the benchmark; and (2) Fully implement and maintain appropriate source control and/or treatment BMPs as soon as possible, but within 10 days of the discharge that exceeded the benchmark; and (3) Document BMP implementation and maintenance in the site log book. Turbidity 250 NTU or greater: If discharge turbidity is greater than or equal to 250 NTU, the Design-Builder's CESCL shall: (1) Notify WSDOT so WSDOT can notify Ecology by phone in accordance with Condition S5.A.; and (2) Review the SWPPP (or TESCP or Water Quality Monitoring Plan) for compliance with Condition S9 and make appropriate revisions within 7 days of the discharge that exceeded the benchmark; and (3) Fully implement and maintain appropriate source control and/or treatment BMPs as (4) Document BMP implementation and maintenance in the site log book; and (5) Continue to sample discharges daily until: (a) turbidity is 25 NTU (or lower); or (b) the CESCL has demonstrated compliance with the water quality standard for turbidity: (i) no more than 5 NTU over background turbidity, if background is less than 50 NTU, or (ii) no more than 10% over background turbidity, if background is 50 NTU or greater; or (iii) the discharge stops or is eliminated.	Design-Builder	Turbidity/Transparency Benchmark Values
NPDES SW-018	221	Concrete Work; Monitoring Requirements; Sampling; TESCP Requirements; Water Quality	pH Monitoring: Sites with Significant Concrete Work or Engineered Soils Beginning October 1, 2006, if construction activity will result in the disturbance of 1 acre or more, and involves significant concrete work or the use of engineered soils, and storm water from the affected area drains to surface waters of the State or to a storm sewer system that drains to surface waters of the State, the Design-Builder shall conduct pH monitoring as set forth in provisions S4.D.1 through S4.D.6 of this permit.	Design-Builder	pH Monitoring: Sites with Significant Concrete Work or Engineered Soils
NPDES SW-019	222	Concrete Work; Monitoring Requirements; Sampling; TESCP Requirements; Water Quality	1. For sites with significant concrete work, the Design-Builder shall ensure the pH monitoring period commences when the concrete is first exposed to precipitation and shall continue weekly until storm water pH is 8.5 or less. a. “Significant concrete work” means greater than 1000 cubic yards poured concrete or recycled concrete.	Design-Builder	pH Monitoring: Sites with Significant Concrete Work or Engineered Soils
NPDES SW-020	223	Concrete Work; Monitoring Requirements; Sampling; TESCP Requirements; Water Quality	2. For sites with engineered soils, the Design-Builder shall ensure the pH monitoring period commences when the soil amendments are first exposed to precipitation and continues until the area of engineered soils is fully stabilized. “Engineered soils” means soil amendments including, but not limited, to Portland cement treated base (CTB), cement kiln dust (CKD), or fly ash.	Design-Builder	pH Monitoring: Sites with Significant Concrete Work or Engineered Soils
NPDES SW-021	224	Concrete Work; Monitoring Requirements; Sampling; TESCP Requirements; Water Quality	3. During the pH monitoring period, the Design-Builder shall obtain a representative sample of storm water and conduct pH analysis at least once per week.	Design-Builder	pH Monitoring: Sites with Significant Concrete Work or Engineered Soils
NPDES SW-022	225	Concrete Work; Monitoring Requirements; Sampling; TESCP Requirements; Visual Quality	4. The Design-Builder shall monitor pH in the sediment trap/pond(s) or other locations that receive storm water runoff from the area of significant concrete work or engineered soils prior to discharge to surface waters.	Design-Builder	pH Monitoring: Sites with Significant Concrete Work or Engineered Soils

These Commitments are in addition to those listed in the contract, plans, specials and any applicable WSDOT manuals.

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NPDES SW-023	226	Concrete Work; Monitoring Requirements; Sampling; TESCP Requirements; Water Quality	5. The benchmark value for pH is 8.5 standard units. Any time sampling indicates that pH is 8.5 or greater, the Design-Builder shall: a. Prevent the high pH water (8.5 or above) from entering storm sewer systems or surface waters; and b. If necessary, adjust or neutralize the high pH water using an appropriate treatment BMP such as CO2 sparging or dry ice. The Design-Builder shall obtain written approval from Ecology prior to using any form of chemical treatment other than CO2 sparging or dry ice.	Design-Builder	pH Monitoring: Sites with Significant Concrete Work or Engineered Soils
NPDES SW-024	227	Concrete Work; Monitoring Requirements; Sampling; TESCP Requirements; Water Quality	6. The Design-Builder shall perform pH analysis onsite with a calibrated pH meter, pH test kit, or wide range pH indicator paper. The Design-Builder shall record pH monitoring results in the site log book.	Design-Builder	pH Monitoring: Sites with Significant Concrete Work or Engineered Soils
NPDES SW-025	228	Notification Requirements; Reporting Requirements; Sampling; TESCP Requirements; Water Quality	A. High Turbidity Phone Reporting Any time sampling performed in accordance with Special Condition S4.C indicates turbidity is 250 NTU or greater the Design-Builder shall immediately notify WSDOT and the appropriate Ecology regional office by phone within 24 hours of analysis.	WSDOT/Design-Builder	High Turbidity Phone Reporting
NPDES SW-026	229	Monitoring Requirements; Recordkeeping; Reporting Requirements; Sampling; Submittal Requirements; TESCP Requirements; Water Quality	Discharge Monitoring Reports 1. When the Design-Builder conducts water quality sampling in accordance with Special Conditions S.4.C (Turbidity/Transparency), S4.D (pH) and/or S8 [303(d)/TMDL sampling] the Design-Builder shall submit the results to Ecology.	WSDOT/Design-Builder	Discharge Monitoring Reports
NPDES SW-027	230	Monitoring Requirements; Reporting Requirements; Sampling; Submittal Requirements; TESCP Requirements	The Design-Builder shall submit DMR forms electronically or by mail to Ecology within 15 days following the end of each month and provide a copy to WSDOT for their records. If there was no discharge during a given monitoring period, the Design-Builder shall submit the form as required with the words "no discharge" entered in place of the monitoring results. If the Design-Builder is unable to submit discharge monitoring reports electronically, the Design-Builder may mail reports to the address listed below: Department of Ecology Water Quality Program -Construction Stormwater PO Box 47696 Olympia, Washington 98504-7696 The Design-Builder must submit monitoring data using Ecology's WebDMR program. If the Design-Builder obtains a waiver not to use WebDMR, they must use the forms provided to them by Ecology; submittals must be mailed to Ecology. The Design-Builder shall submit DMR forms to be received by Ecology within 15 days following the end of each month. If there was no discharge during a given monitoring period, the Design-Builder must submit a DMR as required with "no discharge" entered in place of the monitoring results.	Environmental (WSDOT)	Discharge Monitoring Reports
NPDES SW-028	231	BMP Inspection and Maintenance; Monitoring Requirements; Recordkeeping	The Design-Builder shall retain records of all monitoring information (site log book, sampling results, inspection reports/checklists, etc.), Stormwater Pollution Prevention Plan (or TESCP or SPCCP), and any other documentation of compliance with permit requirements during the life of the construction project. This information shall be retained by the Design-Builder for a minimum of 3 years following the termination of permit coverage. Such information shall include all calibration and maintenance records, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by Ecology.	WSDOT/Design-Builder	Records Retention
NPDES SW-029	232	Monitoring Requirements; Recordkeeping; Sampling; TESCP Requirements; Water Quality	For each measurement or sample taken, the Design-Builder shall record the following information: 1. Date, place, method, and time of sampling or measurement; 2. The individual who performed the sampling or measurement; 3. The dates the analyses were performed; 4. The individual who performed the analyses; 5. The analytical techniques or methods used; and 6. The results of all analyses.	Design-Builder	Recording of Results
NPDES SW-030	233	Monitoring Requirements; Recordkeeping; Reporting Requirements; Sampling; TESCP Requirements; Water Quality	If the Design-Builder monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S4 of this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report.	Design-Builder	Additional Monitoring by the Permittee
NPDES SW-031	234	Monitoring Requirements; Notification Requirements; Sampling; Submittal Requirements; TESCP Requirements	In the event the Design-Builder is unable to comply with any of the terms and conditions of this permit that may cause a threat to human health or the environment, the Design-Builder shall: 1. Immediately notify WSDOT and Ecology of the failure to comply. 2. Immediately take action to prevent the discharge/pollution, or otherwise stop or correct the noncompliance, and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to WSDOT and Ecology within five (5) days after becoming aware of the violation.	WSDOT/Design-Builder	Noncompliance Notification
NPDES SW-032	235	Recordkeeping	Access to Plans and Records 1. The Design-Builder and the Permittee (WSDOT) shall retain the following permit documentation (plans and records) onsite, or within reasonable access to the site, for use by the operator; or onsite review by Ecology or the local jurisdiction: a. General Permit; b. Permit Coverage Letter; c. SWPPP (or TESCP or SPCCP); and d. Site Log Book.	WSDOT/Design-Builder	Access to Plans and Records

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NPDES SW-033	236	Recordkeeping; Submittal Requirements	Upon receiving a written request from the public for the Design-Builders plans and records, the Design Builder shall either: i. Provide a copy of the plans and records to the requestor within 14 days of receipt of the written request; or ii. Notify the requestor within 10 days of receipt of the written request of the location and times within normal business hours when the plans and records may be viewed, and provide access to the plans and records within 14 days of receipt of the written request; or iii. Within 14 days of receipt of the written request, the Design-Builder may submit a copy of the plans and records to Ecology for viewing and/or copying by the requestor at an Ecology office, or a mutually agreed upon location. If plans and records are viewed and/or copied at a location other than at an Ecology office, the Design-Builder will provide reasonable access to copying services for which a reasonable fee may be charged. The Permittee shall notify the requestor within 10 days of receipt of the request where the plans and records may be viewed and/or copied.	WSDOT/Design-Builder	Access to Plans and Records
NPDES SW-034	237	Demolition Activities; Drainage Facilities; Hazardous Materials; Solid and Liquid Waste Disposal	Solid and liquid wastes generated by construction activity such as demolition debris, construction materials, contaminated materials, and waste materials from maintenance activities, including liquids and solids from cleaning catch basins and other storm water facilities, shall be handled and disposed of by the Design-Builder in accordance with: 1. Special Condition S3, Compliance with Standards, and 2. WAC 173-216-110, and other applicable regulations.	Design-Builder	Solid and Liquid Waste Disposal
NPDES SW-035	238	Monitoring Requirements; Permit Coverage; Sampling; Water Quality	Sampling and Numeric Effluent Limitations For Discharges to 303(d)-listed Waterbodies 1. If the Design-Builder discharges to water bodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorus, the Design-Builder shall conduct water quality sampling according to the requirements of this section. 2. All references and requirements associated with Section 303(d) of the Clean Water Act mean the most current listing by Ecology of impaired waters that exists on January 1, 2011 or the date when the operator's complete permit application is received by Ecology, whichever is later.	Design-Builder	Sampling and Numeric Effluent Limitations For Discharges to 303(d)-Listed Waterbodies
NPDES SW-036	239	Monitoring Requirements; Sampling; TESCP Requirements; Water Quality	If there are discharges to waterbodies on the 303(d) list for turbidity, fine sediment, or phosphorus the Design-Builder shall conduct turbidity sampling at the following locations to evaluate compliance with the water quality standard for turbidity: a. Background turbidity shall be measured in the 303(d)-listed receiving water immediately upstream (upgradient) or outside the area of influence of the discharge; and b. Discharge turbidity shall be measured at the point of discharge into the 303(d) listed receiving waterbody, inside the area of influence of the discharge; or Alternatively, discharge turbidity may be measured at the point where the discharge leaves the construction site, rather than in the receiving waterbody.	Design-Builder	Discharges to 303(d)-Listed Waterbodies (Turbidity, Fine Sediment, or Phosphorus)
NPDES SW-037	240	Sampling; TESCP Requirements; Water Quality	If the Design-Builder discharges to segments of water bodies on the 303(d) list (Category 5) for turbidity, fine sediment, or phosphorus must conduct turbidity sampling in accordance with Special Condition S4.C.2 and comply with either of the numeric effluent limits noted in Table 5. As an alternative to the 25 NTU effluent limit noted in Table 5 (applied at the point where storm water [or authorized non-storm water] is discharged offsite), the Design-Builder may choose to comply with the surface water quality standard for turbidity. The standard is: no more than 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or more than a 10% increase in turbidity when the background turbidity is more than 50 NTU.	Design-Builder	Discharges to 303(d)-Listed Waterbodies (Turbidity, Fine Sediment, or Phosphorus)
NPDES SW-038	241	BMP Inspection and Maintenance; Monitoring Requirements; Notification Requirements; Sampling; TESCP Requirements; Water Quality	Discharges that exceed the numeric effluent limit for turbidity constitute a violation of this permit. If a discharge exceeds the numeric effluent limit the Design-Builder shall sample discharges daily until the violation is corrected, notify WSDOT immediately, and comply with the non-compliance notification requirements in Special Condition S5.F.	Design-Builder	Discharges to 303(d)-Listed Waterbodies (Turbidity, Fine Sediment, or Phosphorus)
NPDES SW-039	242	Monitoring Requirements; Sampling	Discharges to waterbodies on the 303(d) list for High pH 1) Permittees that discharge to waterbodies on the 303(d) list for high pH shall conduct sampling at one of the following locations to evaluate compliance with the water quality standard for pH (in the range of 6.5-8.5). A. pH shall be measured at the point of discharge into the 303(d) listed waterbody, inside the area of influence of the discharge, or B. Alternatively, pH may be measured at the point where the discharge leaves the construction site. rather than in the receiving water.	Design-Builder	Discharges to waterbodies on the 303(d) list for high pH
NPDES SW-040	243	Monitoring Requirements; Sampling	2. Based on the sampling set forth above, if the pH exceeds the water quality standard for pH (in the range of 6.5 and 8.5), all future discharges shall comply with a numeric effluent limit that is equal to the water quality standard for pH.	Design Builder	Discharges to waterbodies on the 303(d) list for high pH
NPDES SW-041	244	Monitoring Requirements; Notification Requirements: Sampling	3. Discharges that exceed the numeric effluent limit for pH (outside the range of 6.5-8.5 su) constitute a violation of the permit. If a discharge exceeds the numeric effluent limit the Design-Builder shall sample discharges daily until the violation is corrected, notify WSDOT immediately, and comply with the non-compliance notification requirements in Special Condition S5.F.	WSDOT/Design-Builder	Discharges to waterbodies on the 303(d) list for high pH.

These Commitments are in addition to those listed in the contract, plans, specials and any applicable WSDOT manuals.

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NPDES SW-042	245	Erosion Control; SPCCP Requirements; Submittal Requirements; TESCP Requirements	An adequate SWPPP (or TESCP or SPCCP) for construction activity shall be prepared and implemented by the Design-Builder in accordance with the requirements of this permit beginning with initial soil disturbance and until final stabilization.	Design-Builder	Stormwater Pollution Prevention Plan
NPDES SW-043	246	SPCCP Requirements; Submittal Requirements; TESCP Requirements	The Design-Builder's SWPPP (or TESCP or SPCCP) shall meet the following objectives: 1. To implement Best Management Practices (BMPs) to prevent erosion and sedimentation, and to identify, reduce, eliminate or prevent storm water contamination and water pollution from construction activity. 2. To prevent violations of surface water quality, ground water quality, or sediment management standards. 3. To control peak volumetric flow rates and velocities of storm water discharges.	Design-Builder	The SWPPP shall meet the following objectives
NPDES SW-044	247	TESCP Requirements	The Design-Builder's SWPPP (or TESCP) shall include a narrative and drawings. All BMPs shall be clearly referenced in the narrative and marked on the drawings. The Design-Builder's SWPPP (or TESCP) narrative shall include documentation to explain and justify the pollution prevention decisions made for the project. Documentation shall include: a. Information about existing site conditions (topography, drainage, soils, vegetation, etc.); b. Potential erosion problem areas; c. The 12 elements of a SWPPP in S9.D.1-12, including BMPs used to address each element; d. Construction phasing/sequence and general BMP implementation schedule; e. The actions to be taken if BMP performance goals are not achieved; and f. Engineering calculations for ponds and any other designed structures.	Design-Builder	General Requirements
NPDES SW-045	248	BMP Inspection and Maintenance; Monitoring Requirements; SPCCP Requirements; TESCP Requirements	The Design-Builder shall modify the SWPPP (or TESCP or SPCCP) if, during inspections or investigations conducted by the owner/operator, or the applicable local or state regulatory authority, it is determined that the SWPPP (or TESCP or SPCCP) is, or would be, ineffective in eliminating or significantly minimizing pollutants in storm water discharges from the site. The Design-Builder shall take the following actions: a. Review the SWPPP (or TESCP) for compliance with Condition S9 and make appropriate revisions within 7 days of the inspection or investigation; b. Fully implement and maintain appropriate source control and/or treatment BMPs as soon as possible, but no later than 10 days from the inspection or investigation; and c. Document BMP implementation and maintenance in the site log book.	Design-Builder	General Requirements
NPDES SW-046	249	Recordkeeping; SPCCP Requirements; TESCP Requirements	The Design-Builder shall modify the SWPPP (or TESCP or SPCCP) whenever there is a change in design, construction, operation, or maintenance at the construction site that has, or could have, a significant effect on the discharge of pollutants to waters of the State.	Design-Builder	General Requirements
NPDES SW-047	250	SPCCP Requirements; TESCP Requirements	The Design-Builder shall include each of the 12 elements in S9.D.1-12 in the narrative of the SWPPP (or TESCP or SPCCP) and ensure that they are implemented unless site conditions render the element unnecessary and the exemption from that element is clearly justified in the SWPPP (or TESCP or SPCCP).	Design-Builder	SWPPP -Narrative Contents and Requirements
NPDES SW-048	251	BMP Installation; Clearing and Grading; Delineation and Fencing; TESCP Requirements	1. Preserve Vegetation/Mark Clearing Limits a. Prior to beginning land disturbing activities, including clearing and grading, the Design-Builder shall clearly mark all clearing limits, environmentally sensitive areas and their buffers, and trees that are to be preserved within the construction area with high-visibility construction fencing. b. The Design-Builder shall retain the duff layer, native top soil, and natural vegetation in an undisturbed state to the maximum degree practicable.	Design-Builder	Preserve Vegetation/Mark Clearing Limits
NPDES SW-049	252	Access Road Provisions; Clearing and Grading; Fugitive Dust Control; TESCP Requirements	a. The Design-Builder shall limit construction vehicle access and exit to one route, if possible.	Design-Builder	Establish Construction Access
NPDES SW-050	253	Access Road Provisions; BMP Installation; Fugitive Dust Control; Stabilization of Entry/Exit Points; TESCP Requirements	b. The Design-Builder shall stabilize access points with a pad of quarry spalls, crushed rock, or other equivalent BMP, to minimize the tracking of sediment onto public roads.	Design-Builder	Establish Construction Access
NPDES SW-051	254	Access Road Provisions; BMP Installation; Fugitive Dust Control; Stabilization of Entry/Exit Points; TESCP Requirements	c. The Design-Builder shall ensure wheel wash or tire baths are located onsite, if the stabilized construction entrance is not effective in preventing sediment from being tracked onto public roads.	Design-Builder	Establish Construction Access
NPDES SW-052	255	Fugitive Dust Control; TESCP Requirements	d. If sediment is tracked off site, the Design-Builder shall ensure public roads are cleaned thoroughly at the end of each day, or more frequently during wet weather. Sediment shall be removed from roads by shoveling or pickup sweeping and shall be transported to a controlled sediment disposal area.	Design-Builder	Establish Construction Access
NPDES SW-053	256	Fugitive Dust Control; TESCP Requirements	e. Street washing is allowed only after sediment is removed in accordance with S9.D.2.d. The Design-Builder shall ensure street wash wastewater is controlled by pumping back onsite or otherwise be prevented from discharging into systems tributary to waters of the State.	Design-Builder	Establish Construction Access

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NPDES SW-054	257	Drainage Facilities; Erosion Control; TESCP Requirements	Control Flow Rates a. The Design-Builder shall ensure properties and waterways downstream from development sites are protected from erosion due to increases in the velocity and peak volumetric flow rate of storm water runoff from the project site, as required by local plan approval authority.	Design-Builder	Control Flow Rates
NPDES SW-055	258	BMP Installation; Clearing and Grading; Drainage Facilities; TESCP Requirements; Timing Requirements	b. Where necessary to comply with S9.D.3.a. of the NPDES, storm water retention or detention facilities shall be constructed by the Design-Builder as one of the first steps in grading. The Design-Builder shall ensure detention facilities are functional prior to construction of site improvements (e.g., impervious surfaces).	Design-Builder	Control Flow Rates
NPDES SW-056	259	BMP Inspection and Maintenance; Drainage Facilities; TESCP Requirements	c. If permanent infiltration ponds are used for flow control during construction, the Design-Builder shall ensure these facilities are protected from siltation during the construction phase.	Design-Builder	Control Flow Rates
NPDES SW-057	260	BMP Installation; Drainage Facilities; TESCP Requirements	Install Sediment Controls a. The Design-Builder shall ensure storm water runoff from disturbed areas will pass through a sediment pond or other appropriate sediment removal BMP, prior to leaving a construction site. Runoff from fully stabilized areas may be discharged without a sediment removal BMP, but shall meet the flow control performance standard of S9.D.3.a of the NPDES.	Design-Builder	Install Sediment Controls
NPDES SW-058	261	BMP Installation; Clearing and Grading; Drainage Facilities; TESCP Requirements; Timing Requirements	b. The Design-Builder shall construct sediment control BMPs (sediment ponds, traps, filters, etc.) as one of the first steps in grading. These BMPs shall be functional before other land disturbing activities take place.	Design-Builder	Install Sediment Controls
NPDES SW-059	262	BMP Installation; Fish Passage; Fish, Aquatic Habitat, and T&E Fish Species; TESCP Requirements	c. BMPs intended to trap sediment onsite shall be located in a manner to avoid interference with the movement of juvenile salmonids attempting to enter off-channel areas or drainages.	Design-Builder	Install Sediment Controls
NPDES SW-060	263	BMP Installation; Clearing and Grading; Erosion Control; Fugitive Dust Control; TESCP Requirements	Stabilize Soils a. The Design-Builder shall stabilize exposed and unworked soils by application of effective BMPs that prevent erosion. Applicable BMPs include, but are not limited to: temporary and permanent seeding, sodding, mulching, plastic covering, erosion control fabrics and matting, soil application of polyacrylamide (PAM), the early application of gravel base on areas to be paved, and dust control.	Design-Builder	Stabilize Soils
NPDES SW-061	264	BMP Inspection and Maintenance; Clearing and Grading; Erosion Control; TESCP Requirements; Timing Requirements	b. The Design-Builder shall ensure no soils remain exposed and unworked for more than the time periods set forth below to prevent erosion: During the dry season (May 1 -Sept. 30): 7 days. During the wet season (October 1 -April 30): 2 days*.	Design-Builder	Stabilize Soils
NPDES SW-062	265	BMP Inspection and Maintenance; Erosion Control; TESCP Requirements; Timing Requirements	c. The Design-Builder shall ensure soils are stabilized at the end of the shift before a holiday or weekend if needed based on the weather forecast.	Design-Builder	Stabilize Soils
NPDES SW-063	266	BMP Inspection and Maintenance; Clearing and Grading; Erosion Control; TESCP Requirements	d. The Design-Builder shall ensure soil stockpiles are stabilized from erosion, protected with sediment trapping measures, and where possible, be located away from storm drain inlets, waterways, and drainage channels.	Design-Builder	Stabilize Soils
NPDES SW-064	267	Clearing and Grading; Erosion Control; Roadway Design; TESCP Requirements	Protect Slopes a. The Design-Builder shall design and construct cut and fill slopes in a manner that will minimize erosion. Applicable practices include, but are not limited to, reducing continuous length of slope with terracing and diversions, reducing slope steepness, and roughening slope surfaces (e.g., track walking).	Design-Builder	Protect Slopes
NPDES SW-065	268	Drainage Facilities; TESCP Requirements	b. The Design-Builder shall divert offsite storm water (run-on) or ground water away from slopes and disturbed areas with interceptor dikes, pipes, and/or swales. The Design-Builder shall manage offsite storm water separately from storm water generated on the site.	Design-Builder	Protect Slopes
NPDES SW-066	269	Drainage Facilities; Erosion Control; TESCP Requirements	c. At the top of slopes, the Design-Builder shall collect drainage in pipe slope drains or protected channels to prevent erosion. i. West of the Cascade Mountains Crest: Temporary pipe slope drains shall handle the peak 10 minute velocity of flow from a Type 1A, 10-year, 24-hour frequency storm for the developed condition. Alternatively, the 10-year, 1-hour flow rate predicted by an approved continuous runoff model, increased by a factor of 1.6, may be used. The hydrologic analysis shall use the existing land cover condition for predicting flow rates from tributary areas outside the project limits. For tributary areas on the project site, the analysis shall use the temporary or permanent project land cover condition, whichever will produce the highest flow rates. If using the WWHM to predict flows, bare soil areas should be modeled as "landscaped area."	Design-Builder	Protect Slopes

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NPDES SW-067	270	Clearing and Grading; TESCP Requirements	d. The Design-Builder shall place excavated material on the uphill side of trenches, consistent with safety and space considerations.	Design-Builder	Protect Slopes
NPDES SW-068	271	BMP Inspection and Maintenance; BMP Installation; Erosion Control; TESCP Requirements	e. The Design-Builder shall place check dams at regular intervals within constructed channels that are cut down a slope.	Design-Builder	Protect Slopes
NPDES SW-069	272	BMP Inspection and Maintenance; BMP Installation; Drainage Facilities; TESCP Requirements	Protect Drain Inlets a. The Design-Builder shall protect all storm drain inlets made operable during construction so that storm water runoff does not enter the conveyance system without first being filtered or treated to remove sediment.	Design-Builder	Protect Drain Inlets
NPDES SW-070	273	BMP Inspection and Maintenance; TESCP Requirements	b. Inlet protection devices shall be cleaned or removed and replaced by the Design-Builder when sediment has filled one-third of the available storage (unless a different standard is specified by the product manufacturer).	Design-Builder	Protect Drain Inlets
NPDES SW-071	274	Drainage Facilities; Erosion Control; TESCP Requirements	Stabilize Channels and Outlets a. The Design-Builder shall design, construct, and stabilize all temporary onsite conveyance channels to prevent erosion from the following expected peak flows: i. West of the Cascade Mountains Crest: Channels shall handle the peak 10 minute velocity of flow from a Type 1A, 10-year, 24-hour frequency storm for the developed condition. Alternatively, the 10-year, 1-hour flow rate indicated by an approved continuous runoff model, increased by a factor of 1.6, may be used. The hydrologic analysis shall use the existing land cover condition for predicting flow rates from tributary areas outside the project limits. For tributary areas on the project site, the analysis shall use the temporary or permanent project land cover condition, whichever will produce the highest flow rates. If using the WWHM to predict flows, bare soil areas should be modeled as "landscaped area."	Design-Builder	Stabilize Channels and Outlets
NPDES SW-072	275	Drainage Facilities; Erosion Control; TESCP Requirements	b. Stabilization, including armoring material, adequate to prevent erosion of outlets, adjacent stream banks, slopes, and downstream reaches shall be provided by the Design-Builder at the outlets of all conveyance systems.	Design-Builder	Stabilize Channels and Outlets
NPDES SW-073	276	Demolition Activities; Hazardous Materials; Solid and Liquid Waste Disposal; SPCCP Requirements	9. Control Pollutants a. All pollutants, including waste materials and demolition debris, that occur onsite shall be handled and disposed of by the Design-Builder in a manner that does not cause contamination of storm water.	Design-Builder	Control Pollutants
NPDES SW-074	277	BMP Inspection and Maintenance; BMP Installation; Hazardous Materials; SPCCP Requirements	b. The Design-Builder shall provide cover, containment, and vandalism protection for all chemicals, liquid products, petroleum products, and other materials that have the potential to pose a threat to human health or the environment. onsite fueling tanks shall include secondary containment. Secondary containment means placing tanks or containers within an impervious structure capable of containing 110% of the volume contained in the largest tank within the containment structure. Double-walled tanks do not require additional secondary containment.	Design-Builder	Control Pollutants
NPDES SW-075	278	BMP Inspection and Maintenance; Hazardous Materials; SPCCP Requirements	c. The Design-Builder shall use spill prevention and control measures when maintaining, fueling, and repairing heavy equipment and vehicles. The Design-Builder shall clean contaminated surfaces immediately following any spill incident.	Design-Builder	Control Pollutants
NPDES SW-076	279	BMP Inspection and Maintenance; BMP Installation; Solid and Liquid Waste Disposal; TESCP Requirements	d. The Design-Builder shall discharge wheel wash or tire bath wastewater to a separate onsite treatment system that prevents discharge to surface water, such as a closed-loop recirculation or upland land application, or to the sanitary sewer with local sewer district approval.	Design-Builder	Control Pollutants
NPDES SW-077	280	Fertilizer and Pesticide Application; Hazardous Materials; Plant Establishment; Planting Provisions	e. The Design-Builder shall ensure that application of fertilizers and pesticides, is conducted in a manner and at application rates that will not result in loss of chemical to storm water runoff. The Design-Builder shall follow manufacturers' label requirements for application rates and procedures.	Design-Builder	Control Pollutants
NPDES SW-078	281	BMP Installation; Concrete Work; TESCP Requirements; Water Quality	f. The Design-Builder shall use BMPs to prevent or treat contamination of storm water runoff by pH modifying sources. These sources include, but are not limited to: bulk cement, cement kiln dust, fly ash, new concrete washing and curing waters, waste streams generated from concrete grinding and sawing, exposed aggregate processes, dewatering concrete vaults, concrete pumping and mixer washout waters. (Also refer to the definition for "concrete wastewater" in Appendix A - Definitions). The Design-Builder shall adjust the pH of storm water if necessary to prevent violations of water quality standards.	Design-Builder	Control Pollutants
NPDES SW-079	282	BMP Installation; Concrete Work; Notification Requirements; TESCP Requirements; Water Quality	g. The Design-Builder shall obtain written approval from Ecology prior to using chemical treatment, other than CO2 or dry ice to adjust pH.	Design-Builder	Control Pollutants

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NPDES SW-080	283	BMP Inspection and Maintenance; Dewatering; Drainage Facilities; SPCCP Requirements; TESCP Requirements	10. Control De-Watering a. The Design-Builder shall discharge foundation, vault, and trench de-watering water, which have similar characteristics to storm water runoff at the site, into a controlled conveyance system prior to discharge to a sediment trap or sediment pond.	Design-Builder	Control De-Watering
NPDES SW-081	284	Dewatering; Drainage Facilities; TESCP Requirements	b. Clean, non-turbid de-watering water, such as well-point ground water, can be discharged to systems tributary to, or directly into surface waters of the State, as specified in S9.D.8, provided the de-watering flow does not cause erosion or flooding of receiving waters. The Design-Builder shall not route clean de-watering water through storm water sediment ponds.	Design-Builder	Control De-Watering
NPDES SW-082	285	Dewatering; Solid and Liquid Waste Disposal; SPCCP Requirements; TESCP Requirements	c. Other de-watering disposal options may include: i. infiltration ii. Transport offsite in a vehicle, such as a vacuum flush truck, for legal disposal in a manner that does not pollute state waters, iii. Ecology-approved onsite chemical treatment or other suitable treatment technologies, iv. Sanitary sewer discharge with local sewer district approval, if there is no other option, or v. use of a sedimentation bag with outfall to a ditch or swale for small volumes of localized dewatering.	Design-Builder	Control De-Watering
NPDES SW-083	286	Dewatering; Drainage Facilities; Solid and Liquid Waste Disposal; SPCCP Requirements; TESCP Requirements	d. The Design-Builder shall handle highly turbid or contaminated dewatering water separately from storm water.	Design-Builder	Control De-Watering
NPDES SW-084	287	BMP Inspection and Maintenance; Erosion Control; TESCP Requirements	11. Maintain BMPs a. All temporary and permanent erosion and sediment control BMPs shall be maintained and repaired by the Design-Builder as needed to assure continued performance of their intended function in accordance with BMP specifications.	Design-Builder	Maintain BMPs
NPDES SW-085	288	BMP Removal; TESCP Requirements; Timing Requirements	b. All temporary erosion and sediment control BMPs shall be removed by the Design-Builder within 30 days after final site stabilization is achieved or after the temporary BMPs are no longer needed.	Design-Builder	Maintain BMPs
NPDES SW-086	289	Clearing and Grading; Erosion Control; Roadway Design; TESCP Requirements	Manage the Project a. The Design-Builder shall phase development projects to the maximum degree practicable and shall take into account seasonal work limitations.	Design-Builder	Manage the Project
NPDES SW-087	290	BMP Inspection and Maintenance; Monitoring Requirements; TESCP Requirements	b. Inspection and Monitoring All BMPs shall be inspected, maintained, and repaired by the Design-Builder as needed to assure continued performance of their intended function. Site inspections and monitoring shall be conducted in accordance with S4.	Design-Builder	Manage the Project
NPDES SW-088	291	Erosion Control; SPCCP Requirements; TESCP Requirements	c. Maintaining an Updated Construction SWPPP The Design-Builder shall maintain, update, and implement the SWPPP (or TESCP or SPCCP) in accordance with Conditions S3, S4 and S9.	Design-Builder	Manage the Project
NPDES SW-089	292	Submittal Requirements; TESCP Requirements	SWPPP – Map Contents and Requirements The Design-Builder's SWPPP (or TESCP) shall also include a vicinity map or general location map (e.g., USGS Quadrangle map, a portion of a county or city map, or other appropriate map) with enough detail to identify the location of the construction site and receiving waters within one mile of the site.	Design-Builder	SWPPP -Map Contents and Requirements
NPDES SW-090	293	SPCCP Requirements; Submittal Requirements; TESCP Requirements	The Design-Builder's SWPPP (or TESCP or SPCCP) shall also include a legible site map (or maps) showing the entire construction site. The following features shall be identified, unless not applicable due to site conditions: 1. The direction of north, property lines, and existing structures and roads; 2. Cut and fill slopes indicating the top and bottom of slope catch lines; 3. Approximate slopes, contours, and direction of storm water flow before and after major grading activities; 4. Areas of soil disturbance and areas that will not be disturbed; 5. Locations of structural and nonstructural controls (BMPs) identified in the SWPPP **This commitment is continued in ID #309.**	Design-Builder	SWPPP -Map Contents and Requirements
NPDES SW-091	294	Monitoring Requirements; Permit Coverage; Recordkeeping; Sampling	WSDOT and the Design-Builder shall allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law: A. To enter upon the premises where a discharge is located or where any records shall be kept under the terms and conditions of this permit. B. To have access to and copy -at reasonable times and at reasonable cost -any records required to be kept under the terms and conditions of this permit. C. To inspect -at reasonable times -any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit. D. To sample or monitor -at reasonable times -any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.	Design-Builder	Right of Inspection and Entry
NPDES SW-092	295	BMP Inspection and Maintenance; Drainage Facilities; Hazardous Materials; Solid and Liquid Waste Disposal	The Design-Builder shall ensure collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of storm water will not be resuspended or reintroduced to the final effluent stream for discharge to state waters.	Design-Builder	Removed Substances

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NPDES SW-093	296	Hazardous Materials; Permit Coverage; Solid and Liquid Waste Disposal	The Design-Builder shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.	Design-Builder	Toxic Pollutants
NPDES SW-094	297	Drainage Facilities; Pontoon Construction	A. Bypass Procedures Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited for storm water events below the design criteria for storm water management. Ecology may take enforcement action against the Design-Builder for bypass unless one of the circumstances outlined in G26.A1 through G26.A5 of the NPDES is applicable.	Design-Builder	Bypass Procedures
NPDES SW-095	298	Hazardous Materials; Solid and Liquid Waste Disposal	Duty to Mitigate The Design-Builder is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.	Design-Builder	Duty to Mitigate
NPDES SW-096	299	Recordkeeping; Submittal Requirements	The Permittee (Design-Builder) shall address written requests for plans and records (with notification to WSDOT) listed under Condition S5.G.1 as follows: a. A copy of plans and records shall be provided to Ecology within 14 days of receipt of a written request from Ecology. Upon receiving a written request from the public for the Permittee's plans and records, the Permittee shall either: i. Provide a copy of the plans and records to the requestor within 14 days of a receipt of the written request; or ii. Notify the requestor within 10 days of receipt of the written request of the location and times within normal business hours when the plans and records may be viewed, and provide access to the plans and records within 14 days of receipt of the written request; or iii. Within 14 days of receipt of the written request, the Permittee may submit a copy of the plans and records to Ecology for viewing and/or copying by the requestor at an Ecology office, or a mutually agreed upon location. If plans and records are viewed and/or copied at a location other than at an Ecology office, the Permittee will provide re fee may be charged. The Permittee shall notify the requestor within 10 days of receipt of the request where the plans and records may be viewed and/or copied.	Design-Builder	Access to Plans and Records
NPDES SW-097	300	Recordkeeping; Submittal Requirements	The Design-Builder shall submit to Ecology, within a reasonable time, all information which Ecology may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. WSDOT (with information provided by the Design-Builder as requested) shall also submit to Ecology upon request, copies of records required to be kept by this permit [40 CFR 122.41(h)].	WSDOT/Design-Builder	Duty to Provide Information
NPDES SW-098	301	Hazardous Materials; Solid and Liquid Waste Disposal	Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars ($10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation. Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars ($10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.	Design-Builder	Penalties for Violating Permit Conditions
NPDES SW-099	302	Monitoring Requirements; Sampling; TESCP Requirements; Visual Quality	The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than $20,000 per day of violation, or imprisonment of not more than four (4) years, or both.	WSDOT/Design-Builder	Penalties for Tampering
NPDES SW-100	303	Notification Requirements	REPORTING PLANNED CHANGES The Design-Builder shall notify Ecology immediately if there are any planned physical alterations, modification or additions to the construction activity permitted in the NPDES permit. The Design-Builder shall be responsible for any schedule delays that result from design changes. The Design-Builder shall, as soon as possible, give notice to Ecology of planned physical alterations, modifications or additions to the permitted construction activity, which will result in changes outlined under provision G20.A through D of this permit.	WSDOT/Design-Builder	Reporting Planned Changes
NPDES SW-101	304	Monitoring Requirements; Notification Requirements; Sampling; TESCP Requirements; Water Quality	**This commitment is a continuation of ID #215.** f. Any water quality monitoring performed during inspection. g. General comments and notes, including a brief description of any BMP repairs, maintenance or installations made as a result of the inspection. h. A statement that, in the judgment of the person conducting the site inspection, the site is either in compliance or out of compliance with the terms and conditions of the SWPPP and the permit. If the site inspection indicates that the site is out of compliance, the inspection report shall include a summary of the remedial actions required to bring the site back into compliance, as well as a schedule of implementation. i. Name, title, and signature of the person conducting the site inspection; and the following statement: "I certify that this report is true, accurate and complete, to the best of my knowledge and belief."	Design-Builder	Site Inspections
NPDES SW-102	305	Monitoring Requirements; Notification Requirements; Sampling; Submittal Requirements; TESCP Requirements; Water Quality	v. Continue to sample discharges daily until: 1. turbidity is.25 NTU (or lower); or 2. the CESCL has demonstrated compliance with the water quality standard for turbidity; a. no more than 5 NTU over background turbidity, if background is less than 50 NTU, or b. no more than 10% over background turbidity, if background is 50 NTU or greater; or 3. the discharge stops or is eliminated.	Design-Builder	Turbidity 250 NTU or greater

These Commitments are in addition to those listed in the contract, plans, specials and any applicable WSDOT manuals.

Index #	Unique ID	Topic / Source	Requirement	Responsibility	Heading
NPDES SW-103	306	Monitoring Requirements; Notification Requirements; Sampling; Submittal Requirements; TESCP Requirements; Water Quality	b. Turbidity 250 NTU or greater: If discharge turbidity is greater than or equal to 250 NTU, the Design-Builder's CESCL shall: i. Notify WSDOT immediately in accordance with ECAP procedures and notify Ecology by phone in accordance with Condition S5.A.; and iL Review the SWPPP (or TESCP or Water Quality Monitoring Plan) for compliance with Condition S9 and make appropriate revisions within 7 days of the discharge that exceeded the benchmark; and iil. Fully implement and maintain appropriate source control and/or treatment BMPs as soon as possible, but within 10 days of the discharge that exceeded the benchmark; iv. Document 8MP implementation and maintenance in the site log book.	Design-Builder	Turbidity 250 NTUor greater
NPDES SW-104	307	Monitoring Requirements; Notification Requirements; Sampling; Submittal Requirements; TESCP Requirements; Water Quality	3. The Design-Builder shall submit a detailed written report to Ecology (and copy WSDOT on any correspondence) within five (5) days, unless requested earlier by Ecology. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Design-Builder must report any unanticipated bypass and/or upset that exceeds any effluent limit in the permit in accordance with the 24-hour reporting requirement contained in 40 C.F.R. 122.41(1)(6). Compliance with these requirements does not relieve the Design-Builder from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.	WSDOT/Design-Builder	Noncompliance Notification
NPDES SW-105	308	TESCP Requirements	BMPs shall be consistent with the Stormwater Management Manual for Western Washington (most recent edition) for sites west of the crest of the Cascade Mountains, or the SWPPP shall document that the BMPs selected provide an equivalent level of pollution prevention, compared to the applicable Stormwater Management Manuals, including: a. The technical basis for the selection of all storm water BMPs (scientific, technical studies and/or modeling) that support the performance claims for the BMPs being selected; and b. An assessment of how the selected BMP will satisfy AKART requirements and the applicable federal technology-based treatment requirements under 40 CFR part 125.3.	Design-Builder	Stormwater Best Management Practices (BMPs)
NPDES SW-106	309	SPCCP Requirements; Submittal Requirements; TESCP Requirements	**This commitment is a continuation of ID #293.** 6. Locations of offsite material, stockpiles, waste storage, borrow areas, and vehicle/equipment storage areas; 7. Locations of all surface water bodies, including wetlands; 8. Locations where storm water or non-storm water discharges offsite and/or to a surface water body, including wetlands; 9. Location of water quality sampling station(s), if sampling is required by state or local permitting authority; and 10. Areas where final stabilization has been accomplished and no further construction phase permit requirements apply.	Design-Builder	SWPPP -Map Contents and Requirements
NPDES SW-108	310	Application requirements, S2.A.1.d and e	If the Design-Builder intends to use a BMP selected on the basis of Special Condition S9.C4 ("demonstrably equivalent" BMPs), the applicant must notify Ecology of its selection as part of the NOI. In the event the Design-Builder selects BMPs after submission of the NOI, it must provide notice of the selection of an equivalent BMP to Ecology at least 60 days before intended use of the equivalent BMP. The Design-Builder must notify Ecology regarding any changes to the information provided in the NOI by submitting an updated NOI.	Design-Builder	
NPDES SW-109	311	Monitoring requirements, S4	If construction activity results in the disturbance of 1 acre or more, and involves significant concrete work (1,000 cubic yards of poured or recycled concrete over the life of a project) or the use of engineered soils, and storm water from the affected area drains to surface waters of the State or to a storm sewer storm water collection system that drains to other surfaces waters of the State, the Design-Builder must conduct pH monitoring sampling in accordance with Special Condition S4.D.	Design-Builder	
NPDES SW-110	312	Monitoring requirements, Pollutant Control	If the project discharges to waters covered by a TMDL or another pollution control plan the Design-Builder shall comply with Special Conditions S8.E.	Design-Builder	
NPDES SW-111	313	Control Pollutants; S9.D.9.h	The Design-Builder shall assure that washout of concrete trucks is performed offsite or in designated concrete washout areas only. The Design-Builder shall not wash out concrete trucks onto the ground, or into storm drains, open ditches, streets, or streams. The Design-Builder shall not dump excess concrete onsite, except in designated concrete washout areas. Concrete spillage or concrete discharge to surface waters of the State is prohibited.	Design-Builder	
NPDES SW-112	314	Notice of Termination	The Design-Builder shall be responsible for stabilizing site conditions once construction is complete, and for filing a Notice of Termination with the Department of Ecology.	Design-Builder	
NPDES-CTA-TS-1	315	Chemical Treatment Compliance for Temp. System	The Design-Builder shall ensure that all chemical treatment is performed in accordance with the Department of Ecology approved Chemical Treatment Authorization for the temporary treatment system under the NPDES Construction General permit.	Design-Builder	